



PLANNING BOARD  
TOWN OF EAST KINGSTON  
NEW HAMPSHIRE

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

**MINUTES**

(Regular Meeting and Public Hearings of 15 July 2004)

**AGENDA:**

7:00PM- **Board Business**

7:15PM- **Public Hearing** for proposed changes to Zoning Ordinance Articles VII, VIII, and XII, Subdivision and Site Plan Regulations.

7:45PM- **Continued Public Hearing** for a proposed elderly housing site plan of Glenn J. Tebo, MBL 6-2-10, involving 4 duplex and 3 single units with a community center (PB#03-OH).

8:45PM- **Public Hearing** for a proposed site plan of Paul R. Masone, 213 Havenhill Road, MBL 11-2-17, involving the construction of three (3) light industrial buildings (PB#04-OE).

9:25PM- **Continued Board Business**

9:45PM- **Adjournment**

**CALL TO ORDER:** Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM, and noted he shall take notes from which to prepare minutes.

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

Members present – Mrs. CE Belcher, Chairman JR Day, Dr. RA Marston, DVM, Vice Chairman RA Smith, Sr.

Alternate members present – Mr. JL Fillio and Mr. EV Madej, Mr. RF Morales, Alternate Ex-officio

Advisors present – Ms. Maura S. Carriel, Rockingham Planning Commission (RPC) Senior Planner

Mr. LK Smith, Chairman, East Kingston Conservation Commission Chairman

Fire Chief Alan Mazur, East Kingston Fire Department

Fire Capt. Andrew Conti, East Kingston Fire Department

Mr. Kory J. Skalecki, East Kingston Building Inspector

**Voting member** - Mr. Day noted that the alternate member designated a voting member to comprise a full Board for July shall be Mr. Madej, barring other considerations.

**BOARD BUSINESS:**

**Minutes-** Mr. Day was informed that the Board members had not received copies of the 17 June 2004 minutes for their review. The decision was taken to postpone review and approval of the minutes to the next regular meeting scheduled for 19 August 2004.

**Notes & Asides-**

**Book bag.** Mr. Day offered to anyone who might use it a brand-new book bag from a NHMA conference.

**Reading File.** Materials in the reading file now include a newly published pamphlet describing the American Independence Byway. Ms. Carriel took credit for its production.

**NROC follow-up meeting.** Mr. LK Smith confirmed the NROC facilitators will meet with interested Town parties in the Town Hall on Thursday, 22 July 2004, at 7:00PM, for further discussions.

**Zoning Board of Adjustment.** Mr. Day noted that the ZBA will meet on Thursday, 29 July 2004, at 7:30PM, to hear variance requests for a site plan on Cove Road. He noted that the application was heard and withdrawn at the last ZBA meeting.

**Scapicchio/Mower.** It was noted that a new court date has been requested for the suit in question. Counsel has suggested 29, 30 September, or 1 October 2004.

**Donahue, Tucker & Ciandella (DTC Attorneys at Law) letter.** Mr. Day addressed a letter from DTC (J.J. Ratigan) dated 13 July 2004 in which the Board is requested to provide its interpretation of Zoning Ordinance Article XII - ELDERLY HOUSING with respect to care-givers in residence. Discussion ensued with Mr. Smith noting Atty. Ratigan had broached the subject earlier, suggesting we permit three residents to accommodate health care givers.

Referring to the ordinance, Mr. Fillio noted that if a care giver is a legal resident elsewhere, what objection could there be. Mrs. Belcher suggested that there is a great likelihood of someone becoming ill and confined to the house. She indicated that the Board of Selectmen are in a position to police the development's residency. Mr. Morales noted that the ordinance refers to permanent residents as distinct from other occupants.

Mr. Skalecki stated he understood that one would have to stay more than 180 days to be considered a resident, and for the elderly housing units, he issues occupancy permits for two permanent residents.

Mrs. Belcher stated we should have a clear-cut procedure to answer such a question to avoid resident creep and encroachment on the intent of the ordinance. Mr. Smith suggested we stick to the ordinance.

Mr. Day noted that the question is focused on the Country Hills of East Kingston development, and that we ought to reexamine its condominium documents and address the question anew at the August regular meeting. Mr. Smith suggested the question be put to Town Counsel, and Mrs. Belcher steadfastly asserted there be no compromise, and that we close any loopholes.

**Firehouse extension plan and mylar.** Mr. Day presented an engineering plan and mylar drawn by Mr. Dennis Quintal, P.E., at the behest of the East Kingston Volunteer Firemen's Association (Fire Association). Discussion ensued with regard to whether there ought to be a fully fledged site plan review. Mrs. Belcher noted that the Board should be consistent in its review practices.

Mr. Day offered that the Fire Association was a quasi-governmental body, and the presentation and discussion at Town Meeting 2004 constituted the public hearing and approval by virtue of the legislative body's affirmative vote. Ms. Carriel read RSA 674:54 which described the process by which governmental bodies deal with land use issues. She noted that the RSA provides the authority and procedure to effect such land use changes in the manner Mr. Day described.

Mrs. Belcher noted that we required the East Kingston Elementary School to submit to a site plan review for the classroom addition, and perhaps we ought to in this instance to be consistent. Mr. Day (with his Fire Association Secretary hat on) offered that the Fire Association had addressed the question to the Board of Selectmen in a letter which cited RSA 674:54. The response had been that the site plan review conditions had been met at Town Meeting. Mr. Fillio argued affirmatively that the Town Meeting discussion and balloting constituted the review. He asserted that the Planning Board was to sign the mylar, and Board consensus was that it should be signed and recorded.

#### **PUBLIC HEARING FOR PROPOSED ZONING ORDINANCE AND SUBDIVISION AND SITE PLAN REVIEW REGULATIONS CHANGES.**

The public hearing was opened by Mr. Day who noted that there are three ordinance change proposals involving Articles VII, VIII, and XII. Mr. Day noted that the three change proposals had been reviewed by Town Counsel, and the only legal criticism centered on the Article VII proposal. The changes were addressed each in turn:

ARTICLE VII – GENERAL PROVISIONS.

ADD new Paragraph E. to read:

*E. All applications for land use change or development, including construction of individual dwellings and non-residential structures, subdivision, and site plan review, shall be reviewed by the Conservation Commission for adverse impact on natural resources as identified in the Town's Natural Resource Inventory. The Planning Board and the Building Inspector, acting for the Board of Selectmen, shall have the authority to require that provisions be taken by the applicant to protect and accommodate impacted natural resources identified by the Conservation Commission.*

Mr. LK Smith noted that the East Kingston Conservation Commission had met and considered the proposal. He stated that the Commission agreed philosophically with the proposal's intent, but was concerned with what precisely it was being asked to do, and what its responsibilities and authority might be. He noted that whereas RSA 36-A charges commissions with protecting natural resources, authority to do so is not clearly defined.

Mr. Day noted that Counsel knew of no statutory connection between the Planning Board and the Conservation Commission which would give the Commission authority to compel an applicant to act on its advice. Ms. Carriel expressed her confusion as to what Town Counsel's objection is. She noted that the Board routinely solicits expert advice from many sources, and incorporates the advice into its own deliberations. Mrs. Belcher noted that the Board has always taken the advice of the Conservation Commission, Town Engineer, etc., into account, and that there is no need for specific statutory authority to do what is proposed.

Mr. Morales asked whether the New Hampshire Municipal Association (NHMA) would be of help, and Mr. Day suggested he contact the NHMA directly for their interpretation. Mr. Day also noted that the germ of the idea for the change proposal came from discussions and work with the Natural Resources Outreach Coalition (NROC), and that perhaps the Board should seek their advice how best to frame the proposal for Town Meeting 2005.

The Board agreed to **TABLE** the proposal until responses can be gotten from NHMA and NROC.

The public hearing continued with a second zoning ordinance proposal involving:

ARTICLE VIII – USES PERMITTED.

ADD new Paragraph E. to read:

*E. Places of worship are permitted in all zoning districts, but shall conform to all such ordinance and regulation requirements which address issues of safety, health, nuisances, environmental impacts, and the placement of structures on properties.*

Board discussion ensued with Mr. Smith questioning the need for such a change in the first place. He noted that the Board has dealt with churches in site plan review, and this change would be stating the obvious. Mr. Smith suggested we restrict churches (i.e. houses of worship) to **State** roads only to minimize impacts on residential environments.

Mrs. Belcher noted that the Board's intent was to affirmatively state how houses of worship were to be treated, rather than assume they are a permitted use. When queried, Dr. Marston stated we ought to propose the change.

The floor was opened for abutter comment, of which there was none.

Mr. Day entertained a motion to place the proposed change to Article VIII on the ballot for Town Meeting 2005.

**MOTION:** Vice Chairman Smith **MOVED** to place on the Town Meeting 2005 ballot as a warrant article the change recommendation to Zoning Ordinance ARTICLE VIII – USES PERMITTED as follows:

"ADD new Paragraph E. to read:

- E. Places of worship are permitted in all zoning districts, but shall conform to all such ordinance and regulation requirements which address issues of safety, health, nuisances, environmental impacts, and the placement of structures on properties."

Dr. Marston seconded, and the motion carried unanimously.

The public hearing continued with a third zoning ordinance proposal involving:

**ARTICLE XII – ELDERLY HOUSING**

*DELETE* the sentence in Paragraph B. General Standards: 3. which reads "The total number of elderly housing developments shall not exceed two per calendar year."

Mr. Day iterated Counsel's advice that, because elderly housing ordinances are statutorily considered an innovative land use, they cannot be subject to growth control measures. Therefore, the sentence in question is indefensible, and could not be enforced.

The floor was opened for abutter comment, of which there was none.

Mr. Day entertained a motion to place the proposed change to Article XII on the ballot for Town Meeting 2005.

**MOTION:** Mr. Morales **MOVED** to place on the Town Meeting 2005 ballot as a warrant article the change recommendation to Zoning Ordinance ARTICLE XII – ELDERLY HOUSING as follows:

"DELETE the sentence in Paragraph B. General Standards: 3. which reads 'The total number of elderly housing developments shall not exceed two per calendar year.'"

Dr. Marston seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

Noting the late hour, Mr. Day suggested public hearings for the subdivision and site plan review regulations change proposals be rescheduled for a later date.

**CONTINUED PUBLIC HEARING FOR A PROPOSED ELDERLY HOUSING SITE PLAN OF GLENNJ. TEBO, MBL 6-2-10 INVOLVING 4 DUPLX AND 3 SINGLE UNITS WITH A COMMUNITY CENTER (PB #03-OH).**

Mr. Day opened the hearing. He noted that jurisdiction for the site plan had been taken 18 March 2004.

For the applicant: Henry H. Boyd, Jr., LLS. Mr. Boyd was asked what his expectations were with regard to this evening's hearing, to which he stated his belief that the plan was sufficiently completed to seek a conditional approval. Mr. Day demurred, noting a number of unresolved issues and unanswered questions, amongst which were detailed descriptions of fire sprinkler systems for inclusion in the plan set in some fashion, review by Town Counsel of condominium documents and easements, the walking path plan, and landscape and buffer questions the Board may still have.

Mr. Boyd noted that Town Engineer's comments had been incorporated into the revised plan, and Ms. Carriel noted the revision reflected those comments. Mr. LK Smith observed that the revision still reflected the use of hay bales, rather than a rock-lined swale for erosion prevention, and Mr. Boyd acknowledged his oversight, stating he would correct that notation on the plan.

Discussion ensued about the Board's second site walk on Sunday, 27 June 2004, to look at the practical issues with carving out a walking path in the development's common open space area. Mr. Day noted Mr. LK Smith's helpful drawing and grade calculations with a suggested path, and after some further discussion, the Board's consensus was that there should be as little disturbance to the environment as possible, save some way to identify a

reasonable path for perambulation. Mr. Boyd accepted Mr. Smith's suggested plan, and stated he would incorporate it into a revision.

Ms. Carriel raised the question of landscape buffers, and Mr. Boyd stated the buffers would be planted with grass in the cleared areas, with natural vegetation left wherever possible. There would be no structures placed in the buffer areas.

Mrs. Belcher noted that the plan appears to show only four trees alongside the entrance road to the north. She felt the design to be wholly inadequate, and for it to be a proper buffer, one ought not see much through it. She also noted that, for the houses across the street from the entrance, there is no buffer at all. Discussion ensued about the nature of buffers, whether grass planting served the purpose, and the natural vegetation/tree line locations depicted on the plan.

Mr. Smith suggested that fir trees be planted in the buffers to provide shielding year-round. Mr. Boyd suggested spruce trees, which solicited agreement from the Board.

Referring to her review comments of 17 June 2004 in note #6, Ms. Carriel noted that the living quarters square footage is not shown, and Mr. Boyd agreed to place a note on a plan page to be recorded stating the square footage of living space for the units as described by the ordinance.

Ms. Carriel referred to her review note #10 regarding waiver requests. The Board reviewed the five requests, none of which were deemed controversial, noting that the waiver for a 16 foot-wide roadway shall be assessed by the Fire Department. The Board will expect a written response describing any caveats which might apply.

Ms. Carriel referred to her review note #11 regarding easement language. She indicated the Town Engineer ought to review any drainage easement language to ensure adequate access and inspection criteria. Atty. Ratigan acknowledged that the easement language for drainage and fire suppression are yet to be completed.

Ms. Carriel noted that NHDES permits must be obtained for plan approval, and Mr. Day indicated that the Board had received notice from NHDES regarding a Site Specific Permit application to disturb 188,000 square feet.

Ms. Carriel observed that the revised plan still shows the parking spots adjacent to the community center to be straight, rather than angled. Mr. Boyd stated that to do so would create a hazardous traffic condition, and he would prefer to leave them straight. He suggested the plan include sufficient road signage to preclude visitors exiting the community center parking area in the wrong direction.

To summarize outstanding issues and questions, Mr. Day referred to his own "laundry list" and his understanding of each item's present status:

- Development walking path – Mr. Boyd has Mr. Smith's recommendation for action. Mrs. Belcher stated that the buffer design was the developer's responsibility, and questioned whether grass, per se, was sufficient. Mr. Boyd agreed to move the tree line/natural vegetation line closer in, but to avoid septic system components. Mrs. Belcher asked, and Mr. Boyd noted, that the walking path would traverse a septic leach field. Mr. Morales asked whether the leach field in question could be moved. Mr. Boyd stated that to do so would require another test pit done which would be an additional expense. He felt that a walking path which traverses a leach field is acceptable.
- Watersheds and hydrocad data sheets – identified as a part of the drainage report.
- Lighting plan – Discussion ensued, and the Board confirmed its proposed lighting plan recommendations from the 17 June 2004 hearing discussions. Mrs. Belcher stated that there was supposed to be no lighting on the development roadway between Greystone Road and the loop road, and Ms. Carriel asked for lamp style details with a photometric plan. Mr. Tebo provided depictions of proposed lamps that appeared to be of an appropriate character, and Mr. Boyd indicated he would include a photometric plan.
- Sprinkler systems and 16 foot-wide roadway – Mr. Day stated that, because the sprinkler system proposal is the first the Board has had to address, it is necessary that the Fire Department provide clear guidance and requirements for its design, installation, and maintenance. He indicated also that its description ought to be on the plan set in some form. As for the 16 foot-wide roadway, the Board

was amenable to the Town Engineer's recommendation, and the Fire Department should provide a written response with a clear understanding of traffic patterns, signage, and parking.

- Easement language – Atty. Ratigan shall provide for Town Counsel review.
- Waiver requests – addressed.
- Condominium documents – to be addressed.
- Development wells – Ms. Carrid stated she had spoken with Brendan Kernan, NHDES, regarding the abutter concern about the volume of water withdrawal from the aquifer. She noted that she was advised that, in NHDES's opinion, the proposed development and wells would not constitute a significant withdrawal demand.

The Board was asked to review the condominium documents, and Mr. Day enquired with Atty. Ratigan whether a copy had been forwarded to Town Counsel for his review. Atty. Ratigan stated he would ensure a copy was forwarded immediately.

Board members were asked for their comments and questions. Mrs. Belcher noted that the documents appeared to be well-crafted, Atty. Ratigan having had some considerable practice with earlier such applications, and indicated that she had a few questions. Referring to the condominium Declaration, Mrs. Belcher's questions included interpretation of paragraph D., pg 9; section B., pg 11; section I., pg 13; article 13., pg 14; and article 18., pg 19.

To Mrs. Belcher's questions, Atty. Ratigan clarified each item's purpose, indicating that he will include a note to exclude recreational vehicle parking on the road or in driveways. To Mrs. Belcher's question with regard to the use of satellite dishes, Atty. Ratigan stated that he and the applicant preferred to give control to the homeowner's association which, if they so chose as a body, could be relaxed.

Mrs. Belcher's greatest concern, shared by other members of the Board, centered upon article 13. which deals with expandable and withdrawable land. The opinion was expressed that, on the face of it, it would appear the applicant was attempting an end-run around the Planning Board for future development. Atty. Ratigan demurred, suggesting that the ordinance requirements and the Kingston Planning Board restrictions preclude there ever being access to Grand View Terrace from this elderly housing development. Board members appeared to remain sceptical, and uncomfortable with the provision.

Mr. Day voiced his objection to there being no provision for household pet birds, noting that cats and dogs were permitted, even though barking dogs can be very objectionable. Atty. Ratigan, in turn, said he found screaming cockatoos objectionable.

Mr. Madej asked whether there is any reference to the no-parking on the road loop requirement in the document. Atty. Ratigan stated that there is already a note on the plan. Mr. Fillio and Mrs. Belcher asked whether copies of the plans are provided to new owners, and Atty. Ratigan assured them they will be. Mr. Fillio asked further what mechanism is there to alert owners to the requirement. Atty. Ratigan suggested that the road signage would do the job.

Mrs. Belcher asked Fire Chief Mazur his opinion. He responded by stating he believed it best that the requirement be in the document somewhere. Atty. Ratigan objected, suggesting that such detail can obfuscate, rather than clarify. Where thoroughness may be intimated, interpretation of what is not said could be a potential pitfall. Dr. Marston and Mr. Fillio indicated that it would be best to add descriptive verbiage, and Atty. Ratigan stated he would do so in Article 9. – Parking.

Referring to the condominium Bylaws, Mrs. Belcher asked about the Section 1. Membership. provision regarding a list of Association members. It was noted that, in Section 6. Monitoring for Elderly Occupancy, a yearly accounting is to be provided to the Board of Selectmen.

Mr. Day opened the hearing for abutter comment, of which there was none.

Mr. Tebo requested the public hearing be continued in view of the outstanding issues and plan revision to be done.

**MOTION:** Mr. Morales **MOVED** the Planning Board grant a continuance for the site plan review of Glenn J. Tebo involving MBL 6-2-10 for an 11-unit elderly housing development on Greystone Road until 7:45PM on 19 August 2004 (*PB#03-OH*). Mrs. Belcher seconded, and the motion carried.

Mr. Day closed the hearing.

Ms. Carriel asked when the Board might expect to have revised plans in hand. After some discussion, it was agreed that most of the revisions addressed in this hearing would not necessarily require Town Engineer review, and having the plans by the Board's standard 21 days prior to a hearing would suffice. Mr. Boyd acknowledged that the calendar due date would be 29 July 2004.

**PUBLIC HEARING FOR A PROPOSED SITE PLAN OF PAUL R. MASONE, 213 HAVERHILL ROAD, MBL11-2-17, INVOLVING CONSTRUCTION OF THREE LIGHT INDUSTRIAL BUILDINGS (*PB#04-OB*).**

Mr. Day opened the public hearing by observing that Ms. Carriel, RPC Senior Planner, had recommended against accepting the application and plan as complete. He noted that the applicant had applied Ms. Carriel's comments to a revised plan, and the Board must now examine the revision for completeness to determine whether to take jurisdiction.

For the applicant: Dennis G. Quintal, P.E., C.W.S. Mr. Quintal described the site plan encompassing the construction of three light industrial buildings very similar to the buildings presently on the site. He noted that two waiver requests, one for Site Plan Review Regulations, Section VIII.F.4. Lighting, and one for Site Plan Review Regulations, Section IV.B.(11), requiring a Site Specific Soil Map, were submitted with the application.

For the sake of clarity, Mr. Quintal referred to each of Ms. Carriel's 7 July 2004 review comments in turn, describing what he and the applicant had done, or shall do, to correct or update the original plan. Items not incorporated in the revised plan, or will require further action, are:

1. Mr. Masone will bring prospective tenants to the Board to review and approve their tenancy. He stated he has not identified future tenants yet, although he has spoken with a number of prospective ones.
2. Mr. Quintal will adjust the septic setback
4. Mr. Masone will provide building elevations for the next hearing
9. Mr. Masone described the present Industrial Park sign, and his plans to update them. Mrs. Belcher referred to the Site Plan Review Regulations Section 5. Signs, asking whether the present signage conforms to the regulations. Review of the free-standing sign descriptions gave the Board to believe that Mr. Masone's present sign was in conformance, as would his proposed update.
10. Ms. Carriel asked whether the proposed lights were to be focused or shielded. Mr. Masone stated they would be of the same design as are presently on the existing buildings, with motion sensors for operation during hours of darkness.
12. Mr. Masone estimated there would be a 20-30% increase in traffic to the three new buildings. Mr. Filio asked if Mr. Masone anticipated a tenant the size of *Jones Boys Insulation, Inc.*, and Mr. Masone stated he did not want to see 50 more vehicles on the site. The buildings are intended for small firms with only a handful of employees.
13. Although there is to be no impervious parking surface, it being gravel, Ms. Carriel suggested the plan include an estimation of maximum parking requirements and capacity.
17. Mr. Quintal will add previous site plan approvals for reference.

With regard to lighting, Ms. Carriel recommended any future lighting be shielded so as to minimize light pollution skyward. Mr. Quintal responded by suggesting that, with motion-sensing control, the lights would be on only for transient activity.

Mrs. Belcher asked whether the dumpster depicted is screened. Mr. Quintal said that its present location is behind a stone wall, and fairly well out of view, however, in light of the regulation, he will include screening in the plan.

Mr. Day indicated that, if the Board considers the plan sufficiently complete, he would entertain a motion to take jurisdiction.

**MOTION:** Vice Chairman Smith **MOVED** the Planning Board take jurisdiction for the site plan of Paul R. Masone, 213 Haverhill Road, MBL 11-2-17, involving the construction of three light industrial buildings (*PB#04-OE*). Dr. Marston seconded, and the motion carried unanimously.

Mr. Morales enquired about snow storage, and Mr. Quintal referred to the plan sheet 2 where three snow storage areas are shown. Discussion ensued as to whether the depicted area would be sufficient, and the impact of snow-melt on adjacent wetlands. Mr. Quintal observed that since the parking area was to be entirely gravel, the reduction of pervious surface in the area was limited to the new buildings themselves.

Mrs. Belcher noted that the Cook/Sullivan industrial site plan just to the north included a proposed future connection with the Masone industrial park to provide better traffic flow and emergency access. She asked where this connection was to be, and whether the proposed new buildings would preclude the connection. Mr. Quintal showed the Board on the site plan the proposed connection to the east of the abutting Dewey & Judith Bowley property via an upland area adjacent to the Powwow River. He indicated that the three proposed buildings would pose no impediment to the connection.

Mrs. Belcher then asked about provision for fire protection and safety, to which Mr. Masone assured the Board he intended to equip the new buildings to exceed code standards, and eventually upgrade the existing ones likewise. He stated that he was hoping to anticipate the Fire Department's requirements.

Mrs. Belcher posed the question of traffic flow for the fully developed site plan. Mr. Quintal outlined a circular flow around the center of the site which would accommodate the proposed access to the Cook/Sullivan site.

Mr. Day opened the floor to abutter comment and questions.

Laurie J. Carbone, 212 Haverhill Road. Mrs. Carbone asked the Board whether all the conditions for the previous site plan approvals had been met. Mrs. Belcher responded by pointing out that the Board's final approval can only be given if all conditions of approval are met. Mr. Skalecki noted that a reduction in the bonding requirement for the removal of an abandoned portion of old NH Route 108 is being settled between Mr. Masone and the Board of Selectmen.

Mrs. Carbone stated that she has observed traffic in and out of the site "24/7", and that the entrance itself is dangerous. Disagreement arose between Mr. Masone and Mrs. Carbone over the amount of traffic on a day-to-day basis, and Mr. Masone stated that if he had been allowed to remove the old portion of NH Route 108 when he intended to, the intersection would be safer. He noted that his improvements to the intersection to date have rendered it much safer than it has ever been. Mrs. Carbone disagreed that the intersection was safer, stating that she has observed tractor trailers blocking the entire road to get in and out of the site. Mr. Masone observed that the road itself is a State road, and is heavily trafficked by large trucks. Truck traffic on Haverhill Road should be no surprise to anyone, but when he is allowed to remove the last, confusing, vestiges of the old Route 108, the intersection will be even safer. He claimed that, as it is today, the entrance/intersection is wider and safer than it ever was.

Tara J. Paige, 208 Haverhill Road. Mrs. Paige asked what the traffic rules and hours of operation for the site are, and would it be too much to ask that the site be closed to truck traffic one day a week.

Ms. Carriel suggested that any such restrictions would be a part of previously approved site plans, and the Board of Selectmen can enforce them. Mr. Day indicated that the Board would review previous plan approvals for any such restrictions.

Tracy A. Ouellette, 214 Haverhill Road. Mrs. Ouellette said she had nothing new to add, but agreed entirely with the other abutters' concerns.

Mr. Day closed the floor for abutter comment.



Outstanding issues and questions regarding the application were identified by members of the Board and advisors to include

- the Board's consideration of two Site Plan Review Regulation waiver requests
- information and material related to building elevations and prospective tenants
- definitive traffic generation information
- State approval for septic systems
- Additional detail with regard to lighting to include proposed fixtures and a photometric plan
- A note on the plan describing the class of wetland
- Fire Department input regarding fire suppression and safety

Mr. Masone requested the public hearing be continued in view of the outstanding issues and questions to be addressed.

**MOTION:** Vice Chairman Smith **MOVED** the Planning Board grant a continuance for the site plan review of Paul R. Masone involving MBL 11-2-17 for the construction of three light industrial buildings until 9:00PM on 19 August 2004 (PB#04-OE). Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day closed the hearing.

**CONTINUED BOARD BUSINESS:**

**Cul-de-sac doughnut hole.** Mrs. Belcher observed that the Taylor Way development road terminus is not completely paved, as is required by the Subdivision Regulations. The Board was in agreement that it ought to be, and Mr. Skalecki said he would check the approved plan and advise.

**Regulatory lighting provisions.** Ms. Carriel distributed lighting design guidelines as used by the Town of Newmarket, together with a draft outdoor lighting ordinance. She suggested the Board peruse the material and use it as a basis for resolving the repeated dilemma of having to grant a waiver every time an applicant proposes a lighting plan. No one disagreed that it was an irksome question.

**Master Plan 2000.** Ms. Carriel noted that we have yet to finish with the Housing chapter review and revision. She indicated there was data still to be incorporated, but it is in the Board's best interests to complete the chapter revision and hold a public hearing. The Board was in agreement.

Mr. Day suggested the Board hold a work session in August, in addition to its regular meeting, to deal with the Master Plan, some solution to the lighting question, and other matters, and the idea was positively received by Board members. Mr. Smith asked that the temperature be no more than 70°F.

**ADJOURNMENT:**

**MOTION:** Dr. Marston **MOVED** the Board adjourn. Mrs. Belcher seconded, and the motion carried unanimously at 10:45PM.

Respectfully submitted,

Minutes approved *12 August 2004*