

TOWN OF EAST KINGSTON, NH

PLANNING BOARD

July 16, 1992

Present: Mr. Smith, Chairman; Dr. Marston, Catherine George, Mr. Keddy, Mr. Donald, Ex-Officio

Others present: Mr. Conti, Building Inspector; Larry Smith, Conservation Commission, James Davis, Deputy Fire Chief; and Mr. Bird, RPC

Call to order: Mr. Smith called the meeting to order at 7:40pm.

Incoming Correspondence:

1. Letter from East Kingston Realty Trust requesting a 90-day extension of time. Letter from Ronald Pica, Engineer dated July 9, 1992.

Mr. Donald motioned to extend the 90-day period as per Mr. Pica's letter.

Mrs. George second.

The motion passed 5-0.

2. Application for Home Occupation Permit from Robert Bouchard, 10 Joslin Rd.

Mr. Smith read the application and Mr. Donald noted that it appears the applicant disqualified himself in that the owner of the business would be his father who is not a resident of the premises proposed.

There was discussion about what would be stored and the fact that units would be repaired at this site

Mr. Donald suggested that further clarification be obtained to see if Mr. Bouchard is actually going to run or own the business.

Mrs. George suggested that perhaps Mr. Bouchard could show paperwork that he is the co-owner.

Mr. Donald noted that this would not work either. The business is listed as being located in Massachusetts.

The members related that the business was to be eventually inherited by Mr. Bouchard from his father.

Mr. Smith noted the notation on the application that startup might be sometime in the future...namely 1993? Mr. Smith said that changes in the ordinances could be a factor.

Mr. Conti noted that Mr. Bouchard wants to build the building this fall.

Mr. Donald stated that the application information indicates that the ordinance would be violated to allow a Home Occupation under this condition (ownership by other than the resident).

Mr. Donald motioned to send the application back to the Selectmen based on the fact that it doesn't meet criteria "owner of business must be the resident".

Mrs. George second.

The motion passed 5-0.

Mr. Bird asked if abutter's notification had been done yet.

It was determined that no notices have been issued as this was only an agenda item for the purpose of setting the hearing date by the Planning Board.

3. NH Wetlands application for the building of a pond by Robert Bouchard.
4. Letter from Conservation Commission stating they have no objections to the proposal of Robert Bouchard.
5. Civil Consultants letter dated June 26, 1992 re: KV - Red Gate Farm. Report and updates.
6. Conference on Soils & Land Use Planning, Sept. 1992 in Concord.
7. Civil Consultants letter dated July 13, 1992 re: FRM - Brandywine Drive paving.

Mr. Donald stated that Selectman Andolina was going to send a letter to Marshall Decker regarding the Town's retaining the ownership of the road.

There was brief discussion about the Town's willingness to work things out and Mr. Decker's constant driving costs up.

Mr. Conti noted that there is no bonding in place for the work at Brandywine Drive. Mr. Conti feels Mr. Decker feels that he will be able to retain ownership of the road.

A letter was mailed on Thursday, July 9, 1992 from the Selectmen's Office stated that ownership of the road, when accepted, will be by the Town.

Mr. Donald stated that he would be hard pressed to approve anything not agreed to by the Planning Board requirements unless it was so determined to be in the best interest of the Town by the Town Engineer. This was in response to allowing different swale configuration at the edge of Brandywine Drive.

Pica/Scapicchio Mr. Keddy stated that he has compared the Articles of Association from East Kingston Realty Trust with some he had from other Associations/Towns. He stated he found open questions. He cited the KV Development and their associations. He noted that the Association in East Kingston is not active, while the one for Kingston is very active.

Mr. Donald noted that charter should be able to handle this business and it would not be the responsibility of the Town to be involved with the day to day business of the Association.

Mr. Keddy asked Mr. Bird where in the State could he find other Articles of Association for comparison purposes.

Mr. Bird suggested that NHMA would likely have it when towns would have to go to litigation.

Mr. Smith noted he questions the validity of the statement in the Articles presented by KV that there can be no business in the development. Mr. Smith asked what would happen should a resident make application for a Home Occupation permit.

Mr. Smith and Mr. Donald inquired if they should address this through a revision in the ordinance.

Mr. Bird felt the town is not bound by private covenants and that they have been advised to pay no attention to these covenants. Mr. Bird felt that the Town would be obliged to adhere to their ordinance equally. It would then be up to the private citizens to come before the Board to complain and/or state their reasons for objecting.

Mr. Smith asked how much a citizen complaint/objection should weigh in the decision of the Board.

Mr. Bird said if the applicant can meet the criteria, the Board should grant the Home Occupation (recommend to grant to the Board of Selectmen), but he also suggested checking this out with Town Counsel.

Dr. Marston noted his objections to the covenant to exclude animals from the Bell & Flynn development. He noted this was stricken from the covenants.

Mr. Conti asked what they are doing with the bond money received from FMR.

Mr. Smith stated the Town should keep the remainder and roll it over to the second phase.

Mrs. Marden will get the status of Bonds and Letters of Credit for the various developments and report this status to Mr. Donald and Mr. Smith.

Mr. Smith noted a bad problem on Pheasant Run. The culvert keeps "coming up". He suggested this be watched and not to let the bond get released before it is fixed.

The guardrails are not in place on Forest Drive. KV Letter of Credit must maintain adequate funds to put the wearing surface on all roads in the development and the construction of roads.

Mr. Bird stated that Attorney King, Town Counsel, Sanders & McDermott offered to send his recommendations and corrections to the Articles of Association to East Kingston Realty Trust.

Mr. Donald recommended that this be done by Mrs. Marden, with copy to Sanders & McDermott, East Kingston Realty Trust-Dr. Scapicchio, and Ron Pica, Engineer.

Mr. Larry Smith read the letter to the Planning Board from Dennis Quintal, Conservation Commission re: East Kingston Realty Trust, dated July 1, 1992, Review of Drainage. A copy will be forwarded to EKRT with the above mentioned letter.

Mr. Keddy motioned to adjourn at 8:45pm.

Mr. Donald second.

The motion passed unanimously.

Respectfully submitted,

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Administrative Assistant

Typing completed: July 17, 1992