

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES

July 16, 1998

FILE

AGENDA

8:00 James & Karen Bioteau—24 Giles Road Subdivision – Continued Public Hearing
8:30 Nextel Communications— 21 Burnt Swamp Road Site Plan Review - Public Hearing

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, John Fillio – Ex-officio, Catherine George, and Alternates Beverly Fillio and Robert Nigrello (7:45).

Absent: Dr. Robert Marston.

Others attending: Sarah Campbell - RPC Circuit Rider, Lawrence K. Smith – Conservation Commission Chairman, Glenn P. Clark – Building Inspector, James & Karen Bioteau, Atty. Jackson Casey, Paula & Mark Brinkerhoff, James Van Bokkelen, Joe & Sue St. Martin, Joann Brandt, and Clint Furnald.

Chairman Smith called to order this July 16th public planning board meeting at 7:37 p.m. with the roll call. Noting the absence of Dr. Marston, he then designated Alternate Beverly Fillio to participate in any voting matters before the board.

June 3, 1998 Work Session Minutes: The Board reviewed the minutes dated 6/3/98.

MOTION: Mr. Fillio motioned to accept the June 3, 1998 Planning Board Work Session minutes as presented. Mrs. George second. With no further discussion, the motion passed 5-0.

June 18, 1998 Planning Board Minutes: The Board reviewed the minutes dated June 18, 1998 and noted corrections.

MOTION: Mr. Johnson motioned to accept the June 18, 1998 Planning Board minutes as corrected. Mrs. George second. With no further discussion, the motion passed 5-0.

Correspondence: Chairman Smith acknowledged the following incoming correspondence:

1. Rockingham Planning Commission – Exeter River Watershed Management Plan. The Board will meet September 17th at 7:15 PM at the East Kingston Town Hall to view a presentation at the request of the RPC.
2. Bruce Lewis – Inquiring of the proper procedure to propose a retirement community on a 50-acre parcel located in East Kingston. The Board requested that Mr. Lewis be invited to discuss the specifics of this proposal. The Board also requested Mrs. Campbell present to the Board other town's retirement community's ordinances for discussion.

MOTION: Mrs. George motioned the recording secretary contact Bruce Lewis to discuss further his proposal to develop a retirement community in East Kingston. Mrs. Fillio second. The motion passed 5-0.

Work Session: The Board discussed work sessions and noted member vacations and the summer heat.

MOTION: Mrs. George motioned to recess the planning board work sessions until September. Mr. Fillio second. With no further discussion, the motion passed 5-0.

James & Karen Bioteau—24 Giles Road Subdivision— Continued Public Hearing: Chairman Smith opened the public hearing at 8:00 p.m. for Mr. & Mrs. Bioteau's proposal to subdivide 7.3 acres into 2 parcels located at 24 Giles Road, MBL# 16-4-3. Mr. Bioteau presented plans, deed showing 20-ft ROW, deed for MBL# 16-4-3, HISS mapping, and a State Driveway Permit. The Board reviewed the plans and noted the bound located east of the 20-ft easement and the bound located at the 41-ft easement were identified incorrectly. Also noted was the subdivision proposal had not yet received State Subdivision approval.

Mr. Larry Smith after reviewing the HISS mapping stated the soils were acceptable under the subdivision provisions.

Chairman Smith stated that he has been in contact with the Fire Chief and that concerns about the length of the driveway (800 ft.) and fire protection were raised. He stated that the Fire Chief recommends a fire pond be installed on either Giles or North Road to service this subdivision.

Mr. Bioteau responded that he had agreed to install a fire pond three years ago during a previous subdivision in the area and that the fire department never followed up on it. He stated that he will contact the Fire Chief and resolve this matter but requested a fire pond not be a condition to the Planning Board's approval of this subdivision proposal.

Atty. Casey stated that Mr. Bioteau has been before the board three times regarding this proposal and not once was fire protection mentioned.

Mr. Bioteau stated that he would dig a pond on the property.

Chairman Smith responded that a pond out in a field would not be as easily accessed by the Fire Department, as would a fire pond out near the road.

Mr. Bioteau again stated that he would contact the Fire Chief and work out a fire pond plan for this subdivision.

MOTION: Mrs. George motioned to accept jurisdiction on the application to subdivide MBL# 16-04-03 into two parcels. Mrs. Fillio second. The motion passed 5-0.

MOTION: Mrs. George motioned to approve the application to subdivide MBL# 16-04-03 into two parcels with the following conditions and with the understanding that the applicant will construct a fire pond on either Giles or North Road at the recommendation of the East Kingston Fire Chief:

1. The proposed subdivision receive State Subdivision approval;
2. The bound located east of the 20-ft. easement and the bound located at the 41-ft easement be correctly identified on the mylar; and
3. The bounds be inspected.

Mrs. Fillio second. With no further discussion, the motion passed 5-0.

Nextel Communications—21 Burnt Swamp Road Site Plan Review – Public Hearing: Chairman Smith opened the public hearing at 8:35 for Nextel Communication's application to construct a 180-ft. telecommunications tower on Morse Hill (Bean's Hill), located at 21 Burnt Swamp Road, MBL# 10-04-08. Representative's Michael Procopio and Frank Brancato for Nextel offered the following:

The proposal to construct a telecommunications tower would be located on a 41-acre parcel with portions currently used as a commercial gravel pit. It is the area next to the gravel pit, on top of Morse Hill, where the tower is proposed. The tower is a ladder design allowing for a total of four different carriers. Nextel will be one carrier and will lease the tower out to three other companies.

They went on to explain that Nextel would upgrade the existing gravel road, removing stumps along the way. An electrical service will then be installed at the tower. The proposed tower will meet the 125-ft setback/height requirement placing the tower almost 250 ft. from the property line. All landscaping provisions will be met as well and full compliance with FCC guidelines.

Nextel's policy is to register every site with the FCC although only towers measuring over 10 meters high are required to do so. All upgrades will be registered with the FCC as well. This proposed location is the optimal place in town due to its high elevation. Nextel has no other existing or proposed sites in town.

At the inquiry of the board, Nextel representatives stated that because of Nextel's unique feature, two-way radios would benefit from the tower. This includes all public services using dispatch technology, i.e. fire and police departments. Clarity of this type of communication will be great as well as the wait-time being decreased. Other Nextel product users will also benefit.

At further inquiry, Nextel representatives stated that the tower would extend approximately 100 feet over the existing tree line and that FCC mandates that the towers cannot interfere with any other frequencies. Interference not corrected may cause Nextel to lose their communication's license.

Mr. Procopio stated that he is not aware of any other sites considered in East Kingston, as he was not part of the site selection. He also noted that all commercial property in East Kingston is 250 feet lower than Morse Hill. He stated that the signal from the tower only goes 1 to 4 miles radius, best within the line of site from the tower to user. These are low powered towers using only 100 watts per channel and high frequency. Towers should be located four miles apart. One tower is located on Route 101 in Exeter and one in Plaistow. East Kingston would be located in line between the two.

Mr. Smith stated that the East Kingston Zoning Ordinance does not allow for towers in residential zones, only commercial and light industrial.

Mr. Procopio responded that the East Kingston Ordinance has provisions for waivers. He asked if a waiver could be considered for the zoning?

Mr. Johnson stated that the ordinance is specific about telecommunication waivers. Certain criteria must be met for Planning Board consideration.

Mrs. Fillio added that this telecommunications tower proposal is prohibited in residential zones. She stated that the Planning Board should deny the application and direct the applicants to the ZBA. The Planning Board cannot waive this zoning issue.

MOTION: Mrs. George motioned to accept jurisdiction on the application to construct a telecommunications tower on Morse Hill, located at 21 Burnt Swamp Road, MBL# 10-04-08. Mr. Fillio second. With no further discussion, the motion passed 5-0.

MOTION: Mrs. Fillio motioned to deny the site plan review application to construct a 180-ft. telecommunications tower on Morse Hill located at 21 Burnt Swamp Road, MBL# 10-04-08 pre dated on Article XV.D.2 of the East Kingston Zoning Ordinance which states that telecommunications towers are prohibited in residential zones. Mr. Johnson second. With no further discussion, the motion passed 5-0.

It was noted that the applicant has the right to seek an appeal from this decision via the Zoning Board of Adjustment. This procedure would include notifying all abutters for an appeal's hearing.

Mr. Procopio indicated Nextel's intention to seek an appeal from the ZBA citing the commercial use of the property be extended to encompass the construction of a tower.

Abutters and members of the public addressed their concerns about aircraft, tower extensions, and other towers being allowed in town.

Nextel representatives informed the Board that towers over 200 feet high or towers in direct flight path are required to have special lighting. It was noted that an airstrip exists ¼ mile from the tower's proposed location. Mr. Procopio stated that this proposed design will not support extensions. Towers can be equipped to support as many as six carriers, although this one will only support four.

It was further noted that the East Kingston Zoning Ordinance has provisions for co-location, which essentially eliminates other towers to be constructed. Other carriers must use existing towers.

Bioteau Request for Variance: The Board reviewed Jim Bioteau's plan and request for variance for property located on Giles Road. The Board noted the restrictive covenant placed on the portion of land north of the brook. Also noted was the location of the approved house and the proposed house location.

The Board's overall consensus of the request was that because an approved location for house construction exists, there is no hardship. Prior to the restrictive covenant being placed on the property, the Board deemed the covenant portion buildable. Even with the covenant, the lower portion of the parcel is still buildable, without the need for variance.

On behalf of the Planning Board, Chairman Smith will attend the ZBA hearing for Mr. Bioteau scheduled for July 23rd.

Future Land Use Chapter: It was noted that the Future Land Use Chapter of the Master Plan was scheduled to be completed at the end of June. Its completion is expected by September. A formal letter of agreement to extend the Master Plan contract was submitted for Selectmen signature.

Targeted Block Grant: TBG Program applications are due by the end of July. It was noted that the East Kingston Planning Board would not apply, as no specific projects are necessary at this time.

With no other business before the Board,

MOTION: Mr. Johnson motioned to adjourn. Mr. Fillio second. The motion passed 5-0 and this July 16, 1998 public planning board meeting ended at 9:35 p.m.

Catherine Belcher
Secretary

Minutes complete and on file July 17, 1998.