



**PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire**

2019-2020  
Joshua Bath, *Chairman*  
Tim Allen, *Vice Chairman*

**MINUTES**  
Regular Meeting July 18, 2019  
7:00 pm

**AGENDA:**

**Board Business.**

- **Review** of proposed changes to the Single-Family Cluster Residential Development ordinance (Article XI).
- **Review** of recently passed bills by the NH Legislature impacting Planning Boards and Zoning Boards of Adjustments concerning public hearing dates, application submittals and membership.

**CALL TO ORDER:** This meeting of the East Kingston Planning Board was called to order at 7:00 pm by Vice Chairman Allen.

**Members Present:** Vice Chairman Tim Allen, Dr. Robert Marston, Bill Caswell, Scott Orleans and Dick Poeleart.

**Advisors Present:** RPC Senior Planner Julie LaBranche, Conservation Commission Chair Dennis Quintal.

Vice Chairman Allen appointed Mr. Orleans a voting member in Mr. Bath's absence.

**Minutes:** Mr. Allen asked for a **MOTION** to approve the June Minutes.

Mr. Poeleart **MOVED** to approve the June minutes as presented; second by Dr. Marston with a unanimous vote.

**Review of proposed changes to the Single-Family Cluster Residential Development ordinance (Article XI)**

Ms. LaBranche distributed updated results of the previous discussion with the Board with suggested revisions to the ordinance and the Board had more discussion on the ordinance. Ms. LaBranche also handed out a "Growing Greener" document on "hybrid" housing developments for the Board to review and it was noted several different types of housing was incorporated into those subdivisions.

Ms. LaBranche suggested the cluster ordinance be categorized under Innovative Land Use Control. This would allow the Planning Board to be the administrator and issue a conditional use permit with the ability to waive requirements. Any appeals would need to go to Superior Court and not the ZBA.

Ms. LaBranche noted that cluster developments were for the preservation of open space, and normally had shorter roads which limited the impermeable surfaces and lessened necessary stormwater management.

There was lengthy discussion if the cluster development needed to be mandatory for a 20-acre parcel as opposed to the ability for a regular subdivision. Mr. Allen asked if it should be so to maintain the rural character of the town. Ms. LaBranche suggested it be changed to 20 acres of upland. Mr. Allen noted it would be interesting to have some scenarios based on wetlands, uplands, and steep slopes in order to make a more informed decision.

The Board had noted they were not in favor of open space being accessible to the public due to liability issues, but contemplated they could encourage connectivity on a limited basis if the location of the open space connected with existing trails. Dr. Marston noted if your property is open to the public for recreational purposes you cannot be sued for liability.

Mr. Quintal will bring an existing map generated by previous Conservation Commission Chairman Larry Smith to identify the existing lots of 20 or more acres that would qualify under the cluster development ordinance.

There was also extensive discussion on bonus percentages; this section needs a lot of work. Ms. LaBranche will work on some numbers for the Board to review. Also, the section regarding bonuses for frontage lots needs to be reworked or eliminated. The Board would need to decide if they wanted to be more generous with the density bonuses. Some towns use soils-based housing calculations verses high intensity soil for calculating density bonuses.

In looking at the “Growing Greener” report Ms. LaBranche it was noted several different types of housing was incorporated into those subdivisions. Duplex or garden style structures could be allowed in a cluster development based on soil-based calculations, but the ordinance would need to be changed to reflect this. Structures for more than two families were touched on and the Board will review language to incorporate these and see if they want to change the ordinance to include them.

Section G should be deleted. For section I, what are incidental private recreational uses? Tennis courts, basketball courts, pools, etc. perhaps in the common areas? This should be clarified.

Sections O, P and Q refer to the use, access and protection of open space and common land. This section could be more descriptive of what is not allowed in the open space.

Other items needing to be changed are:

- A checklist or list of standards needs to be compiled for what needs to be shown on the conventional yield plan.
- Standards should be established on how to identify viewsheds with descriptions for use as density bonuses.
- If common driveways are to be allowed for multifamily family homes (more than the 3 in the ordinance), the language would need to be changed.
- And if the maximum road length is going to be changed, the ordinance needs to be changed to reflect this. The Secretary will check with the Fire Chief to see if he has input regarding the road length.

Mr. Quintal asked if something regarding not allowing secondary uses other than invisible home occupations also needed to be included in the ordinance.

Mr. Allen asked the Board to give some thought on the hybrid subdivision concept and talk about if they view this as a viable option for the town next month.

Ms. LaBranche will give the Board a revised version at the next meeting.

**Review of recently passed bills by the NH Legislature impacting Planning Boards and Zoning Boards of Adjustments concerning public hearing dates, application submittals and membership.**

Mr. Allen reviewed this item.

- House Bill 146 increases the maximum period for the Zoning Board of Adjustment to hold a public hearing. This item is only for the ZBA.
- House Bill 245 allows the Planning Board to specify a filing period of less time than 21 days in its rules of procedure, if they so wish.
- House Bill 370 now allows two appointed or elected member of the Planning Board to serve together on other municipal Boards or commissions.

**Report on Grandfathered Surveys**

- Mr. Allen noted that all the surveys have been completed and returned to the Selectmen’s Office as per Mr. Poeleart.

**Adjournment**

Dr. Marston made a **MOTION** to adjourn; Mr. Poeleart seconded, with a unanimous vote.

Mr. Allen closed the meeting at 8:35 pm.

The next Planning Board meeting will be on August 15.

Respectfully submitted,

*Barbara White*

Planning Board Secretary

Josh Bath

Chairman

Minutes approved August 15, 2019