

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
July 19, 2001

FILE

AGENDA

- 7:15 Building Code Amendment – Public Hearing
7:30 The Residents of Maplevale, LLC–27-lot Subdivision – Public Hearing
8:00 The Residents of Maplevale, LLC– Elderly Housing Development– Public Hearing

Members attending: Richard A. Smith, Sr. – Chairman, Beverly A. Fillio – Vice-chairman, John L. Fillio – Ex-officio, Dr. Robert Marston (7:08), and David G. Morse.

Absent: Alternate Member J. Roby Day, Jr.

Others attending: Maura Carriel – RPC Planner, Lawrence K. Smith – Conservation Commission Chairman, Kent Shepherd – Deputy Building Inspector, Fire Department Lieutenant Andy Conti, Fire Chief Alan Mazur, Deputy Fire Chief Rob Carter, Carol Davis, Matt Davis, Carrie Cabral, Joe Coronati, PE, Eva Smith, Adam and Pat Mazur, Dennis Quintal, Atty. Charlie Tucker, Jeffrey Hirsch, Bruce Levis, Noreen Berry, Lori Cashman, Nat Rowell, Ann O'Bara, Jan Smith, Gene Madej and many other members of the public who did not address their concerns.

Chairman Smith opened this July 19, 2001 planning board meeting at 7:03 p.m. with the role call. Concerns were immediately expressed about the inability of some members of the public not being able to hear. It was noted that the Board of Selectmen have indicated that they would not consider a PA system at this time giving reason that meetings have been held at this building for 100 years without one. Many comments in disagreement were expressed. Members of the board were then directed to speak loudly.

Incoming Correspondence: Chairman Smith noted the following incoming correspondence:

1. RPC – Targeted Block Grant – it was noted that RPC is offering a 50/50 match of up to \$13K for planning purposes to area towns. Applications must be submitted by August 10, 2001 and proposed projects must be completed by June 2002.
2. NHDOT – Driveway permit for Arthur Kokaras on Route 107A in East Kingston. Atty. Charlie Tucker stated that he had knowledge that the driveway would actually be in the town of South Hampton.
3. RPC – LCHIP notice that RPC would be available to assist towns in applying for grants to be awarded in 2002.

At this time, Dr. Marston entered the meeting (7:08 p.m.).

4. BOS – Notification that Powwow River Lane has been renamed Casey Road. Comments from the Fire Department were made that road signs should have been erected prior to implementing the name change, as this could be confusing to emergency services.
5. Guilford Transportation – Notice that any development of the Maplevale proposals must not be located within 25 feet of the center of the railroad tracks.
6. ZBA – Zoning Amendment recommendation. Chairman Smith tabled this item until later in the meeting.

Planning Board Minutes: The board reviewed minutes dated June 21, 2001. Those present at that meeting and eligible to vote on their acceptance were Chairman Smith, Dr. Marston, and Mrs. Fillio, and Mr. Fillio.

MOTION: Mr. Fillio motioned to approve the Planning Board minutes dated June 21, 2001 as presented. Mrs. Fillio seconded. With no further discussion, the motion carried 4-0 (Mr. Morse abstained).

Building Code Amendment– Public Hearing: Chairman Smith opened the public hearing for a Building Code amendment at 7:15 p.m. As recommended by the Board of Selectmen, the board was proposing the following:

Delete the sentence referencing building permit fees to be turned over to the Building Inspector for compensation of Building Inspector services. The Selectmen will implement an hourly wage schedule in its place.

2. FEE SCHEDULE 114.3.1

A fee for each examination, building permit and inspections shall be paid in accordance with the following schedule:

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Use Group: A, B, F, H, I, M & R: \$0.10 per square foot of new construction, total of all floors. Garages and porches, sundecks, breezeways and barns @ \$0.05 per square foot. The building permit fee for all other types of structures shall be \$10.00. Building permit fees will be based on total calculated square footage of useable area to include garages, breezeways, cellars, and storage areas. Permit fees to combine both electrical, plumbing, mechanical, etc.

The value for building construction exempted from the requirements of obtaining a building permit shall be \$1,000; nevertheless, work shall be in compliance with all codes and ordinances.

The Building Inspector shall levy and collect all permit fees. The Inspector shall provide a detailed account of said building transactions, as necessary, and deposit all receipts with the Town Treasurer. ~~The Town in turn will apply said fees as compensation for the Building Inspector's services rendered to the Town (i.e., necessary expenses, administration, inspections and enforcement).~~

Mr. Fillio added that the Selectmen would not put this amendment into effect until January 2002 – they will continue the pay schedule as it currently is as changing it in midstream would be too cumbersome.

Mrs. Fillio stated that the amendment should reflect that.

MOTION: Mr. Morse motioned to amend the Building Code amendment by giving it an effective date of January 1, 2002. Mrs. Fillio seconded.

DISCUSSION: Deputy Building Inspector Kent Shepherd stated that currently all fees collected by the Building Inspector are turned over to the treasurer and then the fees are allocated in a salary manner. He asked what type of hourly wage are does the Selectmen feel is fair and equitable?

Mr. Fillio replied that the hourly wage figure had not yet been determined, and that currently the Building Inspector is getting paid based on what is being turned over to the treasurer, however, his deputy is not. The Deputy should be paid the same as the Building Inspector as he is doing the same job. This amendment is the first step in correcting that.

The Chairman called the vote and the motion to amend the amendment carried 5-0.

MOTION: Mrs. Fillio motioned adopt the amendment to the Building Code as amended. Doc Marston seconded. With no further discussion, the motion carried 5-0.

Capital Improvements Plan: It was noted that the Road Agent met with the Board of Selectmen to discuss road capital improvements that could be included in the CIP, and that the Road Agent was to contact Ms. Carriel with his project schedule. Ms. Carriel indicated that she has not yet been contacted and that updating the CIP is at a stand still until that information is provided. Ms. Carriel would try to contact him, however it was noted that her previous attempts to contact him were unsuccessful – the Road Agent did not return her calls.

Conservation Commission Chairman Larry Smith stated that he has a revised cost estimate for his CIP project on aerial photos of the town. He submitted a copy of this estimate to the Chairman. It was noted that the best time of the year to take aerial photos would be in the fall after all the leaves have fallen off the trees.

Once contact is made to the Road Agent, the board could plan to finalize the CIP at the next meeting.

The Residents of Mapleale, LLC – 27-lot Subdivision – Public Hearing : Chairman Smith announced that because he is an abutter to the proposal, he would turn the meeting over to the Vice Chairman Mrs. Fillio. It was noted that Mr. Morse was also an abutter.

Mrs. Fillio opened the public hearing at 7:30 p.m. for The Residents of Mapleale, LLC (owner Jeffrey Hirsch) on his proposal for a 27-lot subdivision located at 14 Depot Road, MBL# 8-2-7. She stated that because there are so many people present for this hearing, it is very important that they remain quiet so that all can be heard. She further promised that all present would get an opportunity to speak and ask questions at the appropriate time. She then directed Professional Engineer Joe Coronati of Jones & Beach Engineering to begin his presentation on behalf of the owner, Jeffrey Hirsch.

Mr. Coronati described the property as being located at 14 Depot road, identified at MBL# 8-2-7 and consisting of 108.45 acres. The land area is made up of about 10 acres of orchards, 1 ½ acres of blueberry bushes, 5 acres of field with the remaining land wooded and wet. He noted some existing buildings, which included the house, the store, the processing building, two turkey barns, a few small sheds, other barns, and outbuildings. He stated that the topography of the property varies as some is flat and towards the back it is hilly. Gove Environmental Services flagged the property.

He went on to say that Mr. Hirsch is proposing a 27-lot subdivision with two of the largest parcels (lots #24 & 25) designated for elderly housing developments and the remaining 25 lots for single-family conventional homes. Two acres located directly behind the church will be donated to the church as part of the agreement of the sale of the property. Two entrances will be constructed on Route 107 – both received NHDOT approval already. He stated that to meet the sight distance requirements, they have secured permission to grade back the bankings on the Madej property and the Town Offices property.

He continued to describe the parcel noting that it was located in a residential/agricultural zone, that each lot meets the 200 foot frontage and 2-acre minimum requirements. The proposed road measures 2,500 feet – they worked to design it to miss the wetlands and still comply with dual entrance requirements. The buildings on site to remain are: the house, a portion of the store, and the processing building. All other buildings will be removed. Both existing driveway entrances must also be removed to comply with the State's driveway requirements. The project proposes two wetland crossings – a total of 8,000 square feet, thus a minimum impact. In an effort to minimize as much wetland impact as possible, they propose steep side slopes with a guardrail along the roadway. The drainage design is complete and it will include designs for culverts and water basins. He then pointed out the direction of water flowage on the plan.

Mrs. Fillio stated that in order to open the meeting up to the public, the board is to determine whether or not the application is complete. She said that there are many unanswered items, however, she feels that the public's input should be allowed at this time. Other members conceded.

She then asked for Mr. Coronati to reiterate which buildings were staying and which were being razed. He responded that the house will stay, the storage portion of the store will be removed, the processing plant will remain as it will be renovated into a meeting house for the elderly housing development, and all remaining buildings will be removed.

At further inquiry, Mr. Coronati stated that the existing house will be accessed from the new road and that there will be no development within 25' of the center of the railroad tracks. He also noted that sheet# P1 depicts the driveway detail. A plan was then placed on the side table for members of the public to inspect.

Mrs. Fillio opened the meeting to questions and concerns from abutters. She asked that each person stand, identify themselves and speak loudly.

Carrie Cabral asked where the two entrances to the property would be located. Mr. Coronati stated that one will be located east of the church and the other west of Jewett's store.

Matt Davis asked if drainage studies have been done, as there is much draining across the tracks onto his property. He wanted to know what impact this development would have on that flowage.

Mr. Coronati stated that a study has been done on that area and that drainage plans must reduce rainwater flowage to off site areas. There will be a culvert draining the water back onto the development's site. He stated that the existing pipe is undersized for the water drainage.

Matt Davis stated that not all the water running onto his property is going through that existing pipe. He then asked for a copy of the drainage report. Mr. Coronati stated that he would send him a copy.

Noreen Berry of 36 Depot Road stated that she would like a copy of the plan itself. Mr. Coronati provided her with an 11x17 inch copy.

Bruce Levis stated that the drainage ditch at one time crossed under the railroad tracks and ended up in the Powwow, but when the railroad people came in, they diverted the water onto the Davis property. *Notation by L. Smith: the water still flows through the pipe, under the parking lot behind the town hall and ultimately to the Powwow.*

Dennis Quintal stated that he was here representing his mother's estate and that the proposed road layout is intended to reduce any impact to the wetlands, however Subdivision Regulations Section 4, A states:

The arrangement of streets in the subdivision shall provide for the continuation of the principle streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.

He went on to read Subdivision Regulations Section 4, G:

Where the Planning Board judges it necessary, the applicant shall provide 50 foot right-of-ways to adjacent parcels to provide access or for possible future connections.

He stated that this property abuts his mother's property, which was divided by the railroad and which left no frontage for her 35-acre parcel. It is virtually landlocked and that the only access is at a railroad crossing. There are no caution lights, no signage for this crossing. They have been accessing the property to cut hay and wood, but once the new trains come by, accessing the land will be a hazard. He said that based on the Subdivision Regulations, he is requesting that access be provided to his mother's land. This situation may also apply to other lots that abut the property. As for the drainage report, he has not had an opportunity to review it with the Conservation Commission Chairman.

Conservation Commission Chairman Larry Smith stated that the Conservation Commission has not fully reviewed the drainage report submitted, but that they were planning to schedule a site walk at their next meeting. He invited members of the public to join them if they desired. He stated that they would look at the drainage plans and wetland crossings. He then asked when the applicant planned on submitting a Dredge and Fill application to the State.

Mr. Coronati replied that it would be sent as soon as they finished analyzing another section of wetland.

Conservation Commission Chairman Larry Smith stated that the State prefers one application for the entire project, not piecemealed. He then stated that lot# 12 does not meet the 2-acre minimum – it is 3,000 square feet short and that HISS calculations were used on the plan which should be Site Specific Soil Survey as adopted by the Town and State a year ago. Hydric A and B terms are no longer used. This plan should be updated to reflect correct calculations. He furthermore corrected the reference to the Wetlands Board on the applicant's cover letter. The Wetlands Board is now called the Wetlands Bureau. He stated that he will have further comments later.

At the inquiry of Mrs. Fillio, Mr. Coronati stated that the owner of record is Jeffrey Hirsch. The application states it is the Levis', however, they have since passed papers.

Noreen Berry asked Mr. Coronati to briefly explain the plan to her. He did so noting locations of the church, the store, Jewett's, future road, proposed elderly housing development, lot configurations and wetlands.

With no other questions from abutter at this time, Mrs. Fillio requested to hear the comments from the board and the RPC planner. Ms. Carriel stated that her responsibility is to review the plan and report her findings back to the board. They are as follows:

1. Plans are missing the name, license number and seal of a licensed land surveyor. (Sub. Regs. Section VIII.A.)
2. Plans are missing existing and proposed driveways. (Sub. Regs. Section IV.E)

Mr. Coronati stated that he can show them on the plan, but he cannot be held to those locations.

3. Plans are missing, for each lot, the locations of 2 test pits, 50' apart and within the 4K area, and at least one percolation test. (Sub. Regs. Section VI.J)

Mr. Coronati stated that they need to dig 100 more test pits.

4. Plans are missing Wetland Conservation District setbacks. While building setbacks are shown, the plans need to include Wetland Conservation District setbacks in order to show that septic, buildings, roads and driveways meet the setback requirements, as well as to indicate the available building envelope for each lot. A quick check of the plans found that the 4K area on Lot 9 does not meet the wetlands septic; this raises the question of whether other lots also do not meet the required setback.

Mr. Coronati stated that he tried to keep the plan uncluttered, but will add this information as requested.

- Proposed Lots 1 and 13 do not meet front and side setbacks because of existing buildings. ("Barn" on Lot 1 and "Store" on Lot 13.) The applicant would need to apply for a variance from the ZBA. However, it should be noted that this is a self-created hardship due to the proposed placement of the lot lines. I would ask for direction from the Board whether the ZBA will require a denial of the subdivision application in order to hear an appeal, or whether the Board's decision to not accept jurisdiction will suffice.

Ms. Carriel stated that item #5 is not an issue, given the clarification from Mr. Coronati on which existing buildings are to be removed.

- The plan should be checked to ensure that lots are numbered according to the numbering system on the East Kingston Tax Maps.

Ms. Carriel stated that 16 other items were also noted. Regarding fire suppression, Ms. Carriel stated that she would defer review to the Fire Chief.

Mr. Coronati stated that he wants to mention he has included the church as owner of record as to meet the radius of the new road, a lot line adjustment is proposed that would convey the necessary radius area to the Hirsch property as well as convey 2 acres to the church.

At the inquiry of Mrs. Fillio, Mr. Coronati stated that the existing home will remain a residence – a single family home.

Mrs. Fillio then stated that since the application is not complete, she would entertain a motion to continue this public hearing until next month.

MOTION: Mr. Filio motioned to continue the public hearing for the 27-lot subdivision proposal for MBL# 8-2-7 to Thursday, August 16, 2001. Dr. Marston seconded. With no further discussion, the motion carried 3-0 (Mr. Morse and Chairman Smith abstaining).

The Residents of Mapleale, LLC – Site Plan Review – Elderly Housing – Public Hearing: Noting again that Mrs. Fillio would chair this public hearing as Chairman Smith and David Morse were abutters to the property, Mrs. Fillio directed Mr. Coronati to present the plan for an elderly housing development. The time was 8:00 p.m.

Mr. Coronati stated that this elderly housing proposal is the first one in town and as they have interpreted the regulations, they want to bring in a nice development. The buildings would be 2-bedroom detached houses to be located on lot #24 and lot #25 (at a later date). They have submitted the development of lot #24 at this time. This lot measures 16.8 acres, and with the density bonuses calculated, they can have up to 28 units, however, they are proposing only 20. He noted the connecting road that would be accessed off of the new road for the subdivision. Much of the land would remain vacant the blueberry patch would remain.

He went on to say that the elderly housing regs state there must be 24% of open space remaining – this proposal provides for 47% of open space for that parcel. Each house will have septic systems – two houses to a system and the development's water source would be a community well. He then pointed to the location of the proposed community well – located on lot #25. The meeting place for the residents will be at the processing plant that is to be renovated. This building was the nicest on the parcel with existing bathrooms, septic, and water – it would be the easiest to renovate.

He continued to say that parking for the meetinghouse would be on the gravel, though the road would need to be widened. An easement for proposed lot #13 would be needed as well. The project consists of only one wetland impact. The road would be 25 feet wide, though they may be asking the board if they can make it narrower to have less wetland impact.

Atty. Charlie Tucker stated that he is the attorney representing the applicant and that he informed the public that these proposed homes are for residents aged 55 and older. Because the land would be community owned, an association would be established.

Mrs. Fillio asked about the proposed size of the homes.

Mr. Coronati replied they would measure 40' x 40' including the garage. Each building may not exceed a 1,500 square foot footprint. He stated that he submitted sample model designs along with his application.

Mrs. Fillio asked how much of the 1,500 square foot footprint is living space.

Mr. Coronati answered up to 1,500 square feet and that it depends on the house plans.

Noreen Berry asked what was going to be done about the hazardous corner in the road by the proposed east entrance.

Mr. Coronati stated that they plan to design and construct a deceleration lane, 10 feet wide and they plan to cut back the banking on the Madej property so that proper sight distance can be met. They will also modify the Library driveway located directly across the street from the church.

He went on to say that the church has plans to put a parking lot out in back of the church. There is a need for parking there. They will access their parking lot off the new road.

Carrie Cabral questioned the 55 and older restriction.

Mrs. Fillio pointed out Article 12.7.8 which states:

Dwelling units may be owner-occupied or rented. However, all permanent residents of all elderly housing units shall be at least 55 years of age.

Ann O'Bara asked if Mr. Morse's elderly housing project was still active. Mr. Morse replied it is still alive and that it is in its planning stages. He proposes a 44-bedroom community.

Carol Davis asked for an estimate of the cost of one of the proposed homes. Mr. Coronati stated that it was premature to provide such an estimate. Carol Davis stated that there must be some profitability figures in mind.

Mr. Coronati stated that a ballpark guess would be anywhere from \$150K to \$300K depending on the floor plan.

Carol Davis questioned why any elderly person would want to spend \$150K to \$300K for a house when there are no senior services available in town. She went on to say that if you build elderly housing in town for the people in town who want to stay in town, it might be wise to make them affordable. It is not economically sensible to spend that kind of money on that kind of house. The town has no fulltime fire department or ambulance service, no public transportation; even Jewett's is not handicap accessible. Most elderly people are disabled in some way.

Mrs. Fillio inquired if any studies have been conducted on how these proposed homes will impact the fire department and police department. The elderly are more inclined to need emergency services.

Mr. Coronati replied that no studies on that impact have been done, though Exeter Hospital is not very far away.

Mrs. Fillio stated that East Kingston has a limited fire department. With the expectancy of increased emergency services, how will this impact the current services provided?

Mr. Coronati stated that the development would have its own fire ponds.

Jeffrey Hirsch stated that this development is not an assisted living community; many residents will probably continue to work.

Gene Madej again questioned how the fire department would be impacted by this proposal. If the fire department needs to go fulltime, then property taxes would go up.

Mr. Coronati replied that this type of development would not require the fire department to have to go fulltime.

At the inquiry of Deputy Building Inspector Kent Shepherd, Atty. Tucker stated that the property would be managed similar to how a condominium is. The actual houses may be purchased, but the land would be association-owned and lot fees would be implemented.

Conservation Commission Chairman Larry Smith asked where the water lines for the community wells would be located.

Mr. Coronati replied around the wetlands, down the road and into both developments. This was not part of the Dredge and Fill.

Noreen Berry asked if the church planned to put a parking lot in the field that abuts her property. She does not want to look out in her backyard and see this.

Mr. Coronati stated that he has not talked to the church about this, but that abutters would be notified when such a proposal happens.

At the inquiry of Matt Davis, Mrs. Fillio stated that elderly housing developments are exempt from the Growth Control Ordinance, thus there is no limit to the number of building permits they can receive as long as the number is not more than 10% of the number of houses in town.

Mr. Coronati stated that he is not sure whether Mr. Hirsch will build the conventional houses on the remaining 25 lots or whether he would just sell the lots.

Jeffrey Hirsch stated that this would be determined at a later date.

Regarding the church, Mr. Coronati stated that Mr. Hirsch and the Levis' have each donated an acre of land to the church and that it is up to the church to decide what to do with it. They may want a building expansion. He then directed those concerns to be addressed to the Trustees of the church.

Mr. Fillio clarified that elderly housing development have different rules thus they are not restricted to 2-acre minimum lots. This is an incentive to developers to build elderly housing communities instead of conventional homes, which are likely to impact the school. The Zoning Ordinance and other regulations are available for viewing at the Town Offices and the Library. The Selectmen's office is equipped with a computer that has a complete set of all town regulations and its use is free to the public.

Mrs. Fillio stated that there is not a person on the board that is against elderly housing, but since this is the board's first elderly housing project, monumental at that, the board must move cautiously and be sure of everything that is being done.

Atty. Tucker explained the tax bill procedure when questioned by Carol Davis. He said each homeowner would get a tax bill, which would reflect their share of the rest of the land. Since the land is community property, its value is divided up between each bill.

Mrs. Fillio stated that from an insurance standpoint she understands how the homeowner association works. She then asked Atty. Tucker what would be the best way to be sure that residency stays restricted to individuals 55 and older and that the elderly housing restriction be kept in perpetuity.

Atty. Tucker stated that it can be enforced by the ordinance itself or the association decree can stipulate the age restriction. He further stated that the era of baby boomers would be turning 55 over the next ten years thus there would be more elderly people than 20 year olds. This project is planning for that.

Mrs. Fillio again questioned how East Kingston can protect itself from homeowner associations voting and changing the rules.

Atty. Tucker stated that the only guarantee is to go to court and spend the money to enforce it. This age restriction will be noted in this homeowner association agreement. Furthermore, any broker or realtor who does not disclose such a restriction could lose their real estate license.

Jeffery Hirsch stated that this project could be the worse gamble of his life, he is hoping the baby boomer statistics are in his favor. The parcel is in a beautiful area – he resides in Kingston. He said he believes the timing is right, and if the layout is right, it will attract elderly individuals with an active lifestyle. When his parents retired they didn't sit on their porch and rock, they kept active lifestyles. This is a small town atmosphere, walking trails are probable, he wants to keep friendly with the environment – as he will keep as many apple trees and blueberry bushes as possible. The wetland impacts are minimum as he is sensitive to those issues. He said he appreciates the town and is understanding of their apprehensiveness.

When asked if he was keeping the orchards, Mr. Coronati stated that the orchards are on an estimated 10 acres and only 4 homes are being proposed in that area. The blueberry area could also have been impacted but they didn't want to disrupt it.

Mr. Fillio asked if there would be deed restrictions preventing the apple trees from being removed. If these properties are privately owned, there is no guarantee the trees would remain – the property owner can do what he wants on his own property.

Jeffrey Hirsch stated that he could not guarantee subsequent property owners would not remove the trees though he did feel their removal would be unlikely. He mentioned the homes along Route 88 in Exeter where apple trees adorn front yards.

Questions from Ann O'Bara prompted Mr. Fillio to say that the number of elderly housing units can not exceed 10% of the number of houses in town for each development.

Fire Chief Alan Mazur stated that Mr. Coronati needs to meet with him to discuss the many fire suppression concerns he has about the proposal. Mr. Coronati agreed.

Mr. Coronati reiterated that the existing farmhouse would be sold as a single-family residence, though there would be an easement for the meetinghouse that would be on the same parcel.

Ms. Carriel stated that she reviewed the site plan review regulations and noted that subdivisions and site plan review can be conducted at the same time, however, the subdivision plan was not accepted as complete it was continued to the August meeting. Based on the subdivision plan not being complete, and that this site plan is based on that plan, it (the site plan) can not be deemed complete as well. Furthermore, she stated that she submitted a list of items that need to be addressed before the site plan can be deemed complete on its own merit.

Mr. Fillio stated that he thinks the subdivision plan should be completed before one of its lots is allowed to be developed.

Atty. Tucker stated that both applications need to be submitted at the same time to address the drainage issues, etc.

Mrs. Fillio read the 12 items submitted by Ms. Carriel that need to be addressed before the site plan can be deemed complete:

1. Name, license number and seal of a licensed land surveyor.
2. Names of all abutters keyed to the plan.
3. Test pit and percolation test information for the individual septic systems. The applicant must obtain approval from the NHDES WS & PCC prior to final plan approval.
4. Proposed location of community well(s).
5. Wetland Conservation District setbacks. While wetland building setbacks are shown, the plans need to include all Wetland Conservation District setbacks in order to show that septic, buildings, roads and driveways meet the setback requirements, as well as to indicate the available building envelope for the lot.
6. Elevation view of all buildings indicating their height, bulk and surface treatment.
7. Type and location of solid waste disposal facilities (i.e. common dumpster). Garbage collection areas must be screened. It is my understanding that the Town will not provide curbside trash pick-up on private roads.
8. Proposed contours and finished grade elevations.
9. Type, extent and location of existing and proposed landscaping.
10. The location, size and design of any proposed signs.
11. The location and type of lighting for any outdoor facilities.
12. Pedestrian access within the development and, to the extent possible, to off-site community facilities.

MOTION: Mr. Fillio motioned to continue the public hearing for site plan review of the elderly housing development proposal for MBL# 8-2-7's proposed lot #24 to Thursday, August 16, 2001. Dr. Marston seconded. With no further discussion, the motion carried 3-0 (Mr. Morse and Chairman Smith abstaining).

The recording secretary announced that the public hearing for the subdivision plan for The Residents of Maplevale will be held at 7:30 p.m. on August 16, 2001, and the site plan review elderly housing proposal public hearing for the same applicant will be held at 8:00 p.m. New notices would be posted.

At this time Mrs. Fillio closed the public hearing and turned the meeting back over to Chairman Smith.

Zoning and Subdivision Amendments: Chairman Smith acknowledged a letter from the ZBA Chairman regarding a recommendation to add to the Zoning Ordinance provisions for the rebuilding of a conforming building. Mr. Fillio explained that at a recent ZBA hearing, the applicant tried to argue that since her house was conforming, she did not need to adhere to provisions where a building must be rebuilt within a year to retain its grandfathered status. The ZBA felt that this provision also applied to conforming buildings, however, this is not clearly written. If a house is destroyed or demolished it should be rebuilt within a reasonable amount

of time or it loses its replacement status and it must then comply with the Growth Control Ordinance. After some discussion the board agreed that adding a statement to the Growth Control Ordinance would be the best way to address this.

MOTION: Mr. Fillio motioned to propose an amendment to Article III-A, 1 that “replacement of an existing dwelling must be completed within a 2-year timeframe from its demolition or destruction or it shall comply with the Growth Control Ordinance. Dr. Marston seconded.

DISCUSSION: Members stated that a timeframe for when the re-building must be completed. Natural disasters and insurance issues were noted. Also the language should be the same as the language for non-conforming buildings.

MOTION: Mrs. Fillio motioned to amend the proposed amendment to Article III-A, Section D.1 with “In the event of damage, destruction or demolition of any building, said building may be rebuilt provided construction is started within two years of its damage, destruction or demolition or it will need to comply with the Growth Control Ordinance. Dr. Marston seconded. With no further discussion, the motion carried 5-0.

MOTION: Mr. Fillio motioned to propose an amendment to Article III-A, 1 as amended. Dr. Marston seconded. With no further discussion, the motion carried 5-0.

MOTION: Mrs. Fillio motioned to post the proposed amendment to Article III-A, 1 for public hearing to be held on August 16, 2001. Mr. Fillio seconded. With no further discussion, the motion carried 5-0.

Members then discussed what would be the best method to ensure that elderly housing communities would remain elderly housing in perpetuity. Ms. Carriel read excerpts of Salem’s language for their age-restrictive covenants. Members stated that covenants could be changed by the vote of their association. It was agreed that the age restriction must be made part of the deed. It was agreed that Town Counsel would be needed to review such language at the appropriate time and at the expense of the developer.

It was noted that the recording secretary has received several inquiries about what regulations apply to lot line adjustments. Each inquiry was directed to comply with the Subdivision Regs. It was suggested that a sentence be added to the Subdivision Regulations first paragraph directed all lot line adjustment proposal must adhere to the Subdivision Regulations. Ms. Carriel will provide language at next meeting.

Discussion was then held with Fire Chief Alan Mazur, Deputy Fire Chief Rob Carter, and Lieutenant Andy Conti regarding their proposed amendments to the Subdivision Regulations. They were as follows:

Amendment #1: (page 5)

Amend Subdivision Regulations Section IV, R (paragraph #3) to clarify the distance between the dwelling and the water source. Delete existing text and replace with the following text (in bold):

~~Generally, placement is required every 1200 feet of roadway unless the subdivision contains on g driveways, cul de sacs or other design features that would place dwellings outside the 1200 foot distance, and require closer spacing.~~

Placement is required every 1,200 feet of roadway. Placement of dwelling will be within the 1,200-foot distance from said water source.

Amendment #2: (page 5)

Amend Subdivision Regulations Section IV, R, I, 2, a. by adding specific requirements in bold text.

Hydrant shall be six (6) inch pipe (PVC sch 40 is acceptable) with six (6) inch Fire Department thread with female swivel and male plug at 30 inches above finish grade.

Amendment #3: (page 5)

Amend Subdivision Regulations Section IV, R, I, 2, c. by adding specific requirements in bold text.

*A 30-inch diameter cement collar **36 inches deep** shall be poured around the pipe from the base of the attaching elbow to the grade level of the hydrant.*

Amendment #4: (page 6)

Amend Subdivision Regulations Section IV, R, I, 2, e. by changing required measurements and adding specific requirements in bold text.

*Two ~~5-foot~~ **3-foot** in height, and 3-inch diameter cement filled steel posts shall be installed (one each side of hydrant to be six feet apart and two feet in front of the hydrant to prevent damage by snowplows or automobiles). **Post shall be placed in a 12-inch diameter by 2-foot deep cement anchor.***

Amendment #5: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #1) by changing required measurements shown in bold text.

Cisterns shall be installed containing a minimum of 30,000 gallons of usable water with six (6) inch hydrant connections and filling and venting connections to accommodate a fill and draft rate of ~~1000~~ **1,500** gallons per minute.

Amendment #6: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #6) by changing required measurements and adding new text shown in bold text.

*Two ~~5-foot~~ **3-foot** in height, and 3-inch diameter cement filled steel posts shall be installed (one each side of hydrant to be six feet apart and two feet in front of the hydrant to prevent damage by snowplows or automobiles). **Post shall be placed in a 12-inch diameter by 2-foot deep cement anchor.***

Amendment #7: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #7) by changing required measurements and replacing with new text shown in bold text.

*Hydrant shall be ~~six-inch~~ **eight (8) inch** with **six (6) inch female swivel and plug** with Fire Department threads and cap.*

Amendment #8: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #8) by changing required measurements and adding new text shown in bold text.

*Fill point shall be ~~2 1/2 clappered Siamese connection NST threads~~ **four (4) inch storx and caps** to a **four (4) inch pipe** into the cistern.*

Amendment #9: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #9) by changing required measurements and adding new text shown in bold text.

*Vent pipe should be capable of allowing ~~1000~~ **1,500** gallons per minute draft without damaging tank. **Termination of vent shall include a vertical "T" (fitting) that will include a threaded cap for tank level measurement purposes.***

Members agreed to review all the proposed amendments at the next meeting.

It was then noted that members wanted the tables and chairs set up the same way for the next meeting, with the left end of the tables extended a bit further.

With no further business,

MOTION: Dr. Marston motioned to adjourn. Mr. Fillio seconded. With no further discussion, the motion carried 5-0 and this July 19, 2001 Planning Board meeting ended at 10:07 p.m.

Catherine Belcher, Secretary

Minutes completed and on file July 24, 2001.

Approved: 8/16/01