

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
July 20, 2000

FILE

AGENDA

- 7:15 Goals Chapter of the Master Plan – Public Hearing
7:45 Doug Melanson – Joslin Road Subdivision – Public hearing
8:15 David Morse– Elderly Housing Development – Discussion
8:30 Denis Plante– Site Plan Review - Discussion

Members attending: Richard A. Smith Sr. - Chairman, John L. Fillio– Ex-officio, Dr. Robert Marston, and Alternate David Morse.

Absent: Edward C. Johnson – Vice-Chairman, Beverly A. Fillio and Alternate Members Peter A. Riley and Robert Nigrello.

Others attending: Lawrence K. Smith – Conservation Commission Chairman, Sarah Campbell – RPC Planner, Fire Department Captain Andy Conti, Fire Chief Alan Mazur, Deputy Fire Chief Rob Carter, Building Inspector Glenn P. Clark, Deputy Building Inspector Kent Shepherd, Doug Melanson, Tom Brouillette– Licensed Land Surveyor, Margaret Caulk, Ron Morales, Hazel Ferullo, Nat Rowell, Sue Mazur, Denis Plante, Karen Baetzel, Catalina Shea and other members of the public who did not address their concerns.

Chairman Smith opened this July 20, 2000 public Planning Board meeting held at the East Kingston Town Hall at 7:04 p.m. with the roll call. Noting the absence of two regular members, he designated Mr. Morse to participate in any voting matters before the board.

Planning Board Minutes: The Board reviewed minutes dated June 15, 2000.

MOTION: Mr. Fillio motioned to approve the June 15, 2000 Planning Board minutes as presented. Mr. Morse seconded. With no further discussion, the motion carried 4-0.

Incoming Correspondence: Chairman Smith acknowledged the following incoming correspondence:

1. RPC – Matching Grants

It was noted that the Rockingham Planning Commission was offering \$13,000 in matching grant funds this year with the application deadline of August 4, 2000. The board discussed different projects and its funding. The Capital Improvements Plan is currently three years old and it should be updated every year to support the Growth Control Ordinance. The projects should be re-prioritized up through the year 2003. Members were in agreement and requested Mrs. Campbell to put together an estimate for the project.

MOTION: Mr. Fillio motioned to submit an application to the Rockingham Planning Commission for a grant to update the Capital Improvements Plan. Mr. Morse seconded. With no further discussion, the motion carried 4-0.

2. RPC – Traffic counts.

Clay Pond Development Corporation: Chairman Smith informed the board that he had a copy of a map of the recharge area and well vicinity for the Clay Pond Development land. The proposed leach fields (in EK) are within the “recharge” area of the existing well located in Kingston that will be used for the development. (Virtually everyone’s leach field is within the recharge area of their well.) He further stated that the Kingston Planning Board has scheduled another design review hearing for Clay Pond Development Corp. on Tuesday, August 1st at 7:30 p.m. at the Kingston Town Hall. This new information must be considered at that meeting. It was then noted that the East Kingston Planning Board had not yet been formally notified of this meeting (design review hearings require certified notification to all abutters).

Goals Chapter: Chairman Smith opened the public hearing for the adoption of the Goals chapter of the Master Plan at 7:15 p.m. Mrs. Campbell reviewed the chapter noting her assignment of defining the term “rural character”. She stated that the definition could vary from what a person from the city might deem as rural to that of someone who resides in the country. The definition she came up with included farms, fences and fields. “Sustaining and encouraging agricultural and forest-based business activities...” Members expressed their agreement with this definition. They further noted their approval of the remaining four goals outlined in the chapter.

MOTION: In accordance with RSA 674:4 and 675:6 Mr. Morse motioned to adopt the Goals Chapter of the Master Plan as presented. Mr. Fillio seconded. With no further discussion, the motion carried 4-0.

For the purposes of recording into the minutes board members affixed their signatures to the adoption sheet, which would be placed on file with the town clerk.

Colanton: Chairman Smith acknowledged a Letter of Deficiency Resolve Letter from the Department of Environmental Services (Water Quality Engineering Section) regarding the Kingston Fairways golf course. The letter stated that the deficiencies noted last August have been corrected. Conservation Commission Larry Smith stated that they are now waiting for the restoration inspection report from the Wetlands Bureau. He said that new trees and vegetation have been planted on the parcel.

David Morse– Elderly Housing Development – Discussion: Noting that the next public hearing was not scheduled for another twenty minutes, Chairman Smith moved the 8:15 discussion appointment with David Morse to 7:20 p.m.

Mr. Morse stated once again that he is in the preliminary stages of developing an elderly housing development on his property located on Willow Road. Of the 20 acres currently owned by him 13.3 will be designated for the development with 1 ½ of those acres used for the road. He stated that the parcel contains 2 acres of very poorly drained soil and 2 acres of poorly drained soil. He is estimating 36 to 40 bedrooms.

He continued to say that the proposed road length measures 980 feet to the end of the cul-de-sac though this measurement could change. He explained that although the State says he must install a water system like Brandywine Drive (community water supply), he is trying to get approval for single wells to each building. He is also working to get approval for separate septic systems because if a community septic system fails there won't be 35+ bedrooms out of service. Single systems can be rebuilt more easily without inconveniencing the other buildings (proposing possibly four buildings with six units per building). He then inquired if the density bonuses outlined in cluster housing could be applied to this elderly housing development, as there was discussion to do so during the drafting of the elderly housing ordinance.

Mrs. Campbell responded that the density bonuses first discussed with the elderly housing ordinance were removed prior to voting it in. She said this was not consciously done to penalize developers and that it could be amended next March.

Mr. Morse stated that under the current ordinance he could place more units on his property by going with a cluster development, which would allow children, than if he kept the plan to elderly housing only. He feels penalized for offering a better plan. He stated that he easily meets the common land/open space requirements, as the developed portion is less than 50% of the total acreage.

It was noted that although 40 bedrooms were allowed in the development no more than 8 bedrooms could be placed on a single acre. At Mr. Morse's inquiry Mrs. Campbell stated that State subdivision approval would be required even though the parcel is more than five acres because of the septic approval needed. She then asked if he could meet the 35-foot separation between buildings requirement.

Mr. Morse replied that he can and further stated that he would also bring the driveway up to town approved road status – 24 feet paved with a 5-foot shoulder, 50-foot right-of-way with a 150-foot radius on the cul-de-sac.

Fire Chief Alan Mazur stated that the development must follow the BOCA Codes for fire safety and that a waterhole or hydrant would be required to meet the fire suppression standards.

Mr. Morse then thanked the board for their time.

Master Plan: Discussion then transpired on how many copies of the completed Master Plan should be ordered and how many of those should include a colored Future Land Use map. It was noted that not producing the map in color would basically deem it (the map) useless. It was suggested that the purchase price of the books cover the production cost. Mrs. Campbell would place the order on the direction of the board.

Doug Melanson– Joslin Road Subdivision– Public Hearing: Chairman Smith opened the public hearing for Doug Melanson's application to subdivide an 11-acre parcel located on Joslin Road (MBL# 17-06-01) into 4 lots (3 in East Kingston, 1 in Exeter). It was noted that Mr. Melanson was before the board at the June meeting for preliminary discussion.

Tom Brouillette, LLS presented to the board the topography map showing the soils types, proposed driveways, proposed building locations, 400K areas, well radius, and each lot's square footage.

Regarding fire suppression Chief Alan Mazur stated that the first driveway on Joslin Road (MBL# 17-01-06) may need to be relocated closer to the second lot (17-11-22) to meet the 1200-foot maximum distance from the driveway to the waterhole (existing fire pond in Exeter). He said that he would measure the distance himself to be sure the requirement is satisfied. If the requirement was not satisfied then a cistern or fire pond would need to be installed that could service the lot.

It was noted that State subdivision approval is pending as each lot measures less than 5 acres. It was also noted that a new MBL# had been assigned to the sliver of land located in East Kingston that would remain a part of the lot located in Exeter and that all the MBL#'s were assigned by the Selectmen's Office.

Noting the application was complete,

MOTION: In accordance with RSA 676:4 Mr. Fillio motioned to invoke jurisdiction on the plan to subdivide MBL# 17-01-06. Mr. Morse seconded. With no further discussion, the motion carried 4-0.

ABUTTER'S COMMENTS: Catalina Shea of 12 Greystone Road inquired as to what type of drawbacks could she expect to her own property as these lots bordered her land.

Mr. Melanson responded that there would be very little effect on her property as the newly proposed houses would be located closer to the road (away from her lot line) and that her home is located on a higher elevation thus there would be no change of these proposed septic systems polluting her water supply (water runs down hill, not up). He further stated that she probably wouldn't even see the (new) houses from her lot. He explained that although he only intends to build two of the proposed houses, he cannot dictate to the buyers of the other lot where to build the house.

Members further stated that as long as an applicant meets all the provisions of the ordinance and its regulations, the board cannot deny the application.

When Mrs. Shea questioned about the effect on her well supply, Mr. Fillio stated that there was no way to tell, however, he has never heard of one house drying up the water supply for another house – though possible it is not probable.

Mr. Brouillette informed the board that a public hearing has been scheduled with the Exeter Planning Board to address the lot in Exeter on Thursday, July 27th at 7:00 p.m. There it will be considered a minor subdivision.

Mrs. Karen Baetzel of 14 Greystone Road inquired as to the "vision" of the development of the lots in question. She went on to say that the homes located on Greystone are protected by covenants that restrict outbuildings, etc. She asked if the proposed homes on Joslin would also have covenants and would those homes be comparable to those located on Greystone.

Mr. Melanson replied that two of the homes he intends to build will be spec homes – 20'x38' colonials with garage under measuring approximately 2500 square feet. There would be no covenants. He further stated that he intends to sell the lots individually thus he would have no say over what type of home would be built on the other lot.

Ron Morales of South Road asked if the wetlands on this parcel have been delineated and studied.

Conservation Commission Chairman Larry Smith replied that the lot with the most wetland already has an existing building on it. There is a little wetland on the first lot by the driveway, however, there is no impact to the wetlands – all of the setbacks have been met.

Chairman Smith asked the board if they had any concerns about the preservation of the existing stonewall and trees along the road.

Mr. Melanson stated that he had no intentions of removing either the stonewall or the trees except to access the lots (driveways). He said he would have no problems with the board placing restrictions on the plan to preserve them.

Members agreed that placing such a restriction was beneficial to maintaining the rural character to that road and directed the recording secretary to forward the appropriate language for preserving the stonewall and the larger healthy trees along the roadway to the applicant to be placed as a notation on the mylar.

At the inquiry of the board, Mr. Brouillette stated that once the board has signed the plan, he would take it to Exeter for approval.

Members advised him that once a plan has been signed by the chairman it is the board's policy not to release it back to the applicant. They further stated that the bounds must be set and verified prior to the signing of the plan. The bounds on the plan were then inspected by the board noting that acceptable drill holes were allowed at the discretion of the building inspector. Further inspection of the plan showed benchmarks on the topography map indicating elevation of the parcels – common used by land surveyors.

Mr. Brouillette stated that his inspection of the property revealed that it had been logged and thinned about 20 years ago.

Chairman Smith asked if there were any other questions or concerns from abutters, the public or the fire department. There were none.

Mrs. Campbell stated that the required measurement of 1200 feet from fire suppression unit (cistern, hydrant, or firepond) should be measured to the house and not the end of the driveway. Fire Chief Alan Mazur agreed. This item was then placed on the backburner list for future amendment.

MOTION: Mr. Fillio motioned to grant conditional approval of the subdivision plan for MBL# 17-01-06 pending the following conditions be met.

1. A notation be placed on the plan stating the distance from the water hole to the town line and to the driveway of MBL# 17-01-06 to demonstrate the 1200-ft. fire suppression requirement can be met.
2. State subdivision approval be received.
3. A notation be placed on the plan outlining the preservation of the existing stonewall and trees along the road frontage of each lot.
4. Show and label Greystone Road, Giles Road and the Exeter Hampton easement on the vicinity plan.
5. The setting and verification of all new bounds.

David Morse seconded. The motion carried 4-0.

Chairman Smith closed this public hearing at 8:22 p.m.

Denis Plante – Haverhill Road Site Plan Review – Discussion: It was brought to the board's attention that William and Cathleen Daenz have applied to the Department of Safety Division of Motor Vehicles for a bonded retail vehicle permit for an auto sales business to be located at 17 Haverhill Road. Mr. Plante was before the board to discuss whether or not a full site plan review would be required for this change in tenancy.

Site Plan Review Regulations state:

...All changes and expansions of use – including change of tenants – require written notification to the Planning Board (or its designee), who will determine whether the proposal shall be required to undergo the full Site Plan Review and public hearing process...

Mr. Plante explained to the board that his friend Bill Daenz is interested in leasing the garage out back of his house and auto body shop (formerly leased by Albert Nadeau and Wallace Pelletier) for an auto sales business. This business is not a change in use as he himself sells cars, it's just a change in tenancy. The Selectmen approved the auto sales business back in 1997. He said that he plans not to display too many cars, maybe a dozen or so. The sales philosophy is to sell fewer "higher-end" cars and keeping a lower profile.

Mr. Plante continued to say that Bill has contacted both the town and the state and is currently awaiting state approval. He is not sure of the name of the auto sales business. Mr. Plante does not have a dealer plate for his own business as the state clamped down on its rules. The new dealer plates can only be used for test drives not for personal use. One must show 51% of its car sales before getting one.

He informed the board that the auto sales cars would be displayed out in front of his house and to the left of the waterhole as was done previously. He also has room outback to store more. He stated that Bill Daenz works for Auto Hunters and is very meticulous about his cars and work.

At board inquiry Mr. Plante stated that he keeps his property immaculate and no one is even allowed to change their oil on the lot. He has a tar product on his lot thus he will see any evidence of vehicle fluid leakage. He said Bill is neat and clean and has a good knowledge of the business. He (Bill) prefers to sell 8 decent cars instead of 30 "crappy" ones. Selling high-end cars results in a better profit.

He went on to say that previously he was allow up to 30 cars though he has never had that many on the lot. He is looking to display around 12 out front with anymore to be kept out back.

Mr. Fillio stated that if Mr. Plante and Mr. Daenz were willing to restrict the number of cars out in front of the lot to 15, he wouldn't have a problem.

Fire Chief Alan Mazur stated that he has no problem with the proposal as long as an annual fire inspection is done on the property – could be scheduled at the end of each annual lease.

Mr. Plante said that the garage out back has a small office. He said he was told to come to the Planning Board to advise them of this change in tenancy. There is no other construction or changes to the property.

The board expressed their appreciation that Mr. Plante brought this information to them.

Again Mr. Fillio stated that as long as the auto sales business displayed a maximum of 15 cars out front, he didn't have a problem with it. It was then noted that written notification was required for the board to determine whether or not a full site plan review was warranted. They advised Mr. Plante to submit such a letter which includes the names, number of cars to be sold, leasing agreement details and scope of the business to the board for board action.

Noting that the next meeting of the board would not be until August 17th,

MOTION: Mr. Fillio motioned to waive the site plan review procedure, including public hearing, for the auto sales business to be operated by Bill Daenz at 17 Haverhill Road pending the receipt of written notification to the Planning Board (as outlined in Site Plan Review Regulations I Authority) with the restriction that no more than 15 cars be displayed out in front of the property. Mr. Morse seconded. With no further discussion the motion carried 4-0.

Master Plan Copies: Discussion on how many copies of the Master Plan should be ordered resumed. Members agreed to order 51 copies (double-sided, colored FLU map, and cover). Mrs. Campbell will place the order.

Mrs. Campbell then informed the board of a request she received from the Selectmen's Office this week to collect and submit other surrounding town's ordinances regarding noise and dust. She stated that this information was submitted to the Planning Board back in October and she was uncomfortable with not advising the Planning Board of the request. The October Planning Board minutes reflect the board's decision to table the issue and their reasons why.

Mr. Fillio stated that the Selectmen would like to schedule a joint meeting with the Planning Board concerning noise and dust issues in town. Because much of the discussion would involve the disclosure of legal cases the meeting would be a closed session. He will try to present a date for this meeting at the next planning board meeting.

Mrs. Campbell then handed the memo she prepared to the Selectmen to Mr. Fillio who agreed to deliver it to them. He then requested that the recording secretary forward a copy of the October Planning Board minutes to him as well.

At this time Building Inspector Glenn Clark informed the board of a situation in town where young children were allowed to play on the roof of a building that had no type of fencing around it. Because the building was an existing building, the BOCA Code regulations could not apply. He stated his concern with the children's safety as he witnessed on several occasions them bike riding and hanging over the edge of the roof that is about 20-feet high from the ground.

He questioned if the building inspector or the code enforcement officer had the authority to address this.

Members responded that although the BOCA Codes address items for new construction, it applies to all buildings (existing or proposed) for safety and health issues. They further suggested a letter be sent to the tenants and the owner of the property with a specific BOCA Code cited with a time frame for response. Mr. Clark thanked the board for their assistance.

With no further business,

MOTION: Dr. Marston motioned to adjourn. Mr. Filio seconded. The motion passed 4-0 and this July 20, 2000 Planning Board meeting ended at 9:00 p.m.

Respectfully submitted,

Catherine Belcher
Secretary

Minutes completed and on file July 23, 2000.

Approved: 8/17/00