



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2006-2007:
Mr. JR Day, Jr., Chairman
Mrs. BE Belcher, Vice Chairman

MINUTES

(Work Session Meeting of 3 August 2006)

AGENDA:

7:30PM- **Board Business**

7:40PM – **Information/Discussion**

- 2006 Capitol Improvement Project (CIP) updates with department heads
- Zoning Ordinance Article XII – Elderly Housing living space discussion
- John Daly's memo re: Zoning Board of Adjustment (ZBA) role and authority
- 17 August meeting agenda
- Balloon Test results
- Fire suppression Subdivision Regulations (SDR) revision
- Steep slope Subdivision Regulations (SDR) revision
- Conservation District overlay materials from Dr. Robinson
- Clark/Nadeau suit
- Building permit situation
- Growth Management ordinance revision update
- Zoning Ordinance book revised available

9:40PM - **Adjournment**

CALL TO ORDER: Chairman Day called the work meeting of the East Kingston Planning Board to order at 7:30 PM.

ROLL CALL: Mrs. White called the roll. Members present were Vice-Chairman Mrs. CE Belcher, Chairman JR Day, Dr. RA Marston, DVM, Mr. RA Smith, Sr., Mr. Lloyd alternate, and Mr. R Morales ex-officio. Dr. Robinson, RPC Senior Planner, did not attend.

Voting Members – Mr. Day noted the entire Board was present.

BOARD BUSINESS:

Balloon test minutes. After review of the minutes, Mr. Day entertained a motion.

MOTION: Mr. Belcher **MOVED** the Balloon Test minutes be accepted as presented. Mr. Morales seconded, and the motion passed unanimously.

During discussion of the balloon test, Dr. Marston reported that he had had to go the very rear of his property before he could see the balloon. Mr. Reid Simpson had stated to Dr. Marston that he could not see the balloon from his house and Jeff Marston said he could see it from Greystone. Mr. Smith reported that he could not see it either from Greystone or Route 108.

Mr. Morales offered the opinion that perhaps the balloon should have been in the same color that the pole would be, instead of the orange red color, to give a truer example of just how visible it would be.

Mr. Lloyd presented to the Board a picture he had taken with the balloon visible and stated that it appeared much smaller than the photograph of a tower that Mr. Berry had shown to the Board at the last meeting.

Mr. Lloyd asked how large the balloon was since it appeared miniscule compared to the pole in Mr. Berry's picture. Mr. Morales agreed that was a valid question and no one on the Board was sure of the answer. Mr. Day pointed out for the record that the picture Mr. Berry had presented to the Board had shown the proposed tower located on the wrong hill.

Dr. Marston pointed out that the piece of land Mrs. Waldron was worried about the property value for had been clear-cut to the top of the ridge in the tower vicinity shortly after it was purchased and stated that it was a shame that all the trees had been cut down. Mr. Morales stated that a permit should have been required when it was done, which was at least 10 years ago, and that it was too late to rectify the situation at the present time.

2006 CIP UPDATE WITH DEPARTMENT HEADS

Bob Rossi – Highway Agent Mr. Day reported, looking at **Table 9**, that last year there were overlays for the salt/sand shed, and acquisition for the land for the shed. Mr. Rossi stated that the figure for the shed should be changed from \$90,000 to \$110,000 and the land acquisition timeframe should be extended for a year. After discussion of the Board, it was decided to keep the project cost at \$200,000.

In reference to the road overlays, Mr. Rossi reported that Giles Road, Kelly Road and Eaton Woods should be removed from the table and Willow, Andrews Lane and Pheasant Run should be added. He also stated that the project year for Forest Road should be changed from 2009 to 2008. The project year for Willow should be 2007 at \$45,000; Andrews Lane should be 2007 at \$18,000; and Pheasant Run should be 2008 at \$40,000.

Mr. Day explained that the year 2006 would be dropped from **Table 10** and 2012 would be added.

Mr. Lloyd asked what the timing was for the salt shed and land acquisition and Mr. Day explained that the salt shed was a Capitol Reserve fund item. Mr. Day stated there was \$20,000 in the fund at the present time for the salt shed, and \$10,000 per year in increments until 2011.

Mr. Day suggested a capitol reserve fund for the land acquisition. Mr. Morales concurred that the Town should be encouraged to carry that out since they were putting money away for the shed, but did not have a place to put it. Mr. Day stated that the Town could create a reserve fund, but it would take a vote of the Town. He also stated that the fund could be created but would not necessarily need to be funded right away.

Alan Mazur – Fire Department Chief Mazur reported, looking at **Table 9**, that the Engine Refurbishment and Fire Cistern items should be deleted. He reported that the Selectmen had opted not to do anything about the cisterns until they failed.

Mr. Mazur recommended that the tank truck be replaced in 2008 and the forestry truck be replaced in 2011, and also recommended that the replacement timeframe and project cost for vehicle replacement stay at the present \$65,000 until 2010; and change to \$70,000 in 2011 and \$75,000 in 2016.

Mr. Mazur stated he would like to see Scott Air Packs added at a cost of \$30,000 in 2007 in place of the cisterns. Mr. Day asked if they would be going to Town Meeting for that since it was a purchase item and Mr. Mazur replied that they would since they needed to be replaced. Mr. Day asked for clarification on whether it was a budget or a warrant item, and Mr. Mazur replied it was a warrant item.

Mr. Morales asked if there was any grant money forthcoming, and Mr. Mazur replied that they were still waiting to hear; they hoped to get a grant this year. Mr. Mazur stated that if the grant came through, the item would be dropped from the Town Meeting.

Parking Around Tricklin' Falls Dam - Mr. Mazur stated he had heard a rumor that the Town was going to open parking around the dam. He was concerned that both sides of the road would be open to parking and stated that the Fire Department recommended that the "No Parking" signs stay since there were problems presently with people parking in the fire lanes and they were worried about access to the dry hydrant. Also, there was already a lot of trash in the water at the dam and he and his wife cleaned it up regularly. It was his opinion that people could park at the corner and walk down to the dam.

Dr. Marston stated that there were fewer people fishing there than there was a few years ago because of the no parking signs. Kids used to be there all the time fishing. Mrs. Belcher remembered playing by the dam when she was younger.

Mrs. Belcher stated that town-owned land should be for the town's benefit. She suggested a compromise of perhaps parking between certain hours to be allowed and enforced. Mrs. Belcher thought it was a shame that the Town had resources that its citizens could not take advantage of. Her opinion was that the benefits would far outweigh the disadvantages by offering more recreation to the people in the town.

Mr. Mazur asked if the town would take the liability of that since it was a state-owned road. Mrs. Mazur stated that in her opinion the people who wanted to fish would do so, no parking signs or not, but she was concerned about partying and drugs in the park area at night. She stated she presently warns people about parking in the no parking areas and even offers her driveway for them to park.

Mrs. Belcher explained that the final decision was up to the Board of Selectmen and that it had only been a discussion item of the Board. Mr. Day stated that the Planning Board was in a peculiar position as it could advise but not make the decisions in some cases and Mr. Morales stated that the Selectmen have not made a decision yet as they have not analyzed all the facts. Mr. Mazur stated he believed that the dam property was state owned and Mr. Morales answered that that was one of the items that needed to be investigated.

Mr. Smith reported that in the past, the Selectmen not taken responsibility for the dam because the State had told them the Town would have to pay the liability insurance on the dam and maintain it. The Selectmen had decided they did not want the problems associated with liability and maintenance of the dam. Mr. Day stated he had a hard time believing that the State would make the Town responsible for the dam, but that that was the sort of the information the Selectmen would need to weigh before any decision was made.

Mark Cook – EMS Mr. Day explained that last year the EMS was down for a new facility but was lumped in with the Fire Department. With the Police Department building coming off the books, he was not sure what was happening with EMS. Mr. Cook also was not sure of the present plans.

Mr. Cook reported that the firehouse, which houses the EMS offices, was in dire need of a new roof. He had researched the possibility of acquiring a new roof from the present owners of the building, and was told that they would not be funding any repairs to the building. He had repaired the leaks somewhat, but it was still leaking. He stated that there were mold problems, as well as problems with water leaking in.

Mr. Morales asked what would happen when the police department moved into their new building. Mr. Cook entertained a thought that the fire department might move in to the vacated space and the EMS offices would stay where they were presently located. He reported that the present space was inadequate as there was no place large enough to hold joint department meetings. One of the important aspects of an emergency operations center was a place in which to bring all the department heads together in one room to have a unified command.

Mr. Cook suggested that if the fire department moved into the old police station, perhaps the EOC could move to the top floor in the fire department building and have a separate radio room. Mr. Day informed Mr. Cook that the entire structure belonged to the Fire Association and they would need to be consulted.

Mr. Cook reported that they had identified issues during drills with pedestrian traffic (i.e. people in and out of the radio area, and that he restroom facilities were located in the middle of the radio area), which made for very noisy conditions. He stated that a separate radio room would be ideal, but not imperative and that perhaps could be considered in the future.

Mr. Smith inquired if there was some kind of grant from the State that could be acquired towards fixing the problems, and Mr. Cook replied that he was not sure but that he would investigate. Mr. Cook reported that he had just received a grant for a new computer system to enable him to compile the Emergency Operations Plan. It is necessary to have this plan in place before any other monies would be forthcoming from the State.

Mrs. Belcher asked if the long-term goal was to acquire a new facility. Mr. Cook answered that a new facility incorporated with current public safety was the ideal; it did not need to be a separate entity. Mrs. Belcher asked if this should be made a Capitol Reserve item and Mr. Day agreed it should, but that a plan was needed. Mr. Cook replied that that information could be gleaned from his Emergency Operations Plan, as it would show the layout of the Emergency Operations Center.

Mrs. Belcher asked how much space Emergency Management was looking for and Mr. Cook answered that approximately four times as much as the present space would be needed to be efficient. Mr. Day speculated that if the Fire Department took over the Police Station, there would be adequate space for both the Fire Department and the EMS offices. Mr. Morales suggested that some walls could be removed to make larger spaces. Mr. Cook reported that the garage space had been used as a meeting place before it was converted to the Police Chief's office and storage area.

Mr. Day stated that if EMS was seriously looking toward a future expenditure, they could approach the Selectmen to look at the creation of a Capitol Reserve Fund and suggested that they have a plan in place before going before the Board.

Mrs. Belcher asked about equipment provided by the State. Mr. Cook replied that the State switched over to a new digital radio system for homeland security and had issued new radios to the Fire and Police Departments, but not to EMS. He suggested that one of the new radios could be included in the budget. EMS already had four portable radios, but a spare in case of breakdown would be nice. He had inquired of the state whether they anticipated designating any money for emergency management and they replied they did not.

Mrs. Belcher suggested that the number and cost of the radios needed and the request for them might be staggered, such as asking for five radios this year and five radios next year.

Mr. Cook stated he had asked the Board of Selectmen to establish a budget for EMS for the upcoming year and Mrs. Belcher opined that she did not think the Town would be opposed to it. Mr. Morales inquired if a needs assessment would be advisable as a first step if the Selectmen would be going to the voters this year to include Emergency Management on the budget. Mrs. Belcher stated she thought that would be, at best, as much of a guess as we could make ourselves and saw no reason to wait for two years to go before the voters since it could be a serious matter; Mr. Cook seemed to already know what the department would need to run the program.

Mr. Cook interjected that there were flood issues such barricades and road closure signs that could impact the Town. The Town relies on the Road Agent for these items, but he did not always have enough to go around and it would behoove the Town to have their own supply. Mr. Smith offered that the Town could have a pile of sand available for the making of sandbags and Mr. Cook stated that the sandbags could be provided also.

Mr. Cook stated he would prioritize the needs of equipment for the first year for the budget, as he did not want to ask for everything they needed at the same time. Mr. Day reminded Mr. Cook that **Table 9** was a "wish list". He agreed with Mr. Morales that some sort of needs assessment, whether it be professional or in-house, would be beneficial.

Mr. Cook said he would contact Emergency Management for New Hampshire and see if they would come and talk to the Selectmen and explain what other EOCs required. They would know just what was needed for equipment and space requirements.

Mr. Day asked Mr. Cook if he needed radios now and he replied that he already had a radio from the fire department, but a spare or an updated base station would be nice.

Mr. Day reminded the Board that the Library had had a needs assessment and that the voters had not voted for it until the needs assessment was completed. Mrs. Belcher offered she thought Mr. Cook could put a plan together and save the Town the \$5,000 they would spend on a needs assessment and Mr. Cook agreed he had the understanding of what was needed do that. Mr. Day stated that the Board would wait until Mr. Cook got back to them with his request for a Capitol Fund before they included it in the budget.

Mr. Cook stated he would speak with the Fire Chief to find out what would be happening with the Fire Department once the Police moved out of the building. He acknowledged that the need for space would be imminent, but could wait for a couple of years. The roof was something that needed to be taken care of as soon as possible and Mrs. Belcher wholeheartedly agreed.

Mr. Cook stated that when the leak happened in the roof, there were mold problems as well as having to tear out the sheetrock and insulation and that he had held off on making repairs to the interior until the roof could be repaired.

As an aside, Dr. Marston remembered that years ago Eddie Morrow had stated at a Town meeting "Thank you for giving us the walkie-talkie last year, but we found that one walkie-talkie isn't much help. We'd like to get a second one."

Mr. Day stated that there was one more Trustee to speak to in reference to the CIP, and asked Mr. Lloyd if he would wait for his part of the discussion until later in the meeting. Mr. Lloyd agreed to defer to Mr. Tebo.

DISCUSSION WITH MR. GLENN TEBO IN REFERENCE TO ZONING ORDINANCE ARTICLE XII – ELDERLY HOUSING AND THE DEFINITION OF LIVING SPACE

Mr. Tebo came before the Board to clarify the definition of living space as it pertained to his elderly housing units. He explained that in the beginning stages of the subdivision project, the ordinance at the time was for a 1,500 square feet (sf) footprint. Mr. Tebo claimed that the ordinance had changed during the time he was before the Board. Mr. Tebo stated that Mr. Day had informed him that the change had taken place and was now 1,500 sf maximum and not 1,500 sf footprint.

Mrs. Belcher asked Mr. Tebo if the Board had taken jurisdiction yet and Mr. Tebo answered it had not.

Mrs. Belcher then asked Mr. Tebo if he was reporting that he had received two different answers from two different Town officials in the duration of his development and he replied he had.

Mr. Morales stated that the ordinance was the clarification and that the maximum footprint was to be 1,500 sf, including halls, stairways and closet space. Mr. Day reported that the clarification came since the "footprint" wording had been misinterpreted and abused.

Mr. Tebo explained that he had spoken to an Engineer in Manchester who stated that the New Hampshire Building Code is contrary to the building code of East Kingston, which states anything inside the walls was considered living space. The New Hampshire Building Code does not include halls, stairways and closet space.

Mrs. Belcher asked Mr. Tebo if he and the Board had not had this discussion once before and she thought that everything had been defined at that time. Mr. Day interjected that the ordinance had been specifically tightened up so as not to allow 3-floor houses with however much floor space a developer wanted to build within a "footprint". Mr. Day also explained that the New Hampshire Building Code was a guideline Towns used to develop their own ordinances.

Mr. Tebo's main concern was that it would be to his benefit and make his homes more marketable if he could finish off the attic space for another bedroom upstairs, as prospective buyers were looking to use the second bedroom on the first floor as an office space.

Mrs. Belcher asked Mr. Tebo if he could walk her through the floor plan on the housing and Mr. Tebo presented a floor plan for the Board to review. After looking at the floor plans, Mrs. Belcher noted that there was the potential for 4 bedrooms and that elderly housing was to have a maximum of 2 bedrooms.

Mr. Morales reminded Mr. Tebo that he had received many exemptions for his elderly housing project, including growth control and single family cluster residential development regulations which would have had to have been met if he had been building conventional housing.

After much discussion about the definition of living space, Mr. Tebo was reminded that what the Board had approved him for was 1,500 of living space, which included the halls, stairways and closets. It was unfortunate that the people in the market to buy his homes wanted to make the attic storage space into more living space, but in the eyes of the Board, if they needed more than 1,500 sf of living space they should look at purchasing conventional housing and not elderly housing.

Mrs. Belcher reminded Mr. Tebo that he should not misrepresent the upper floor as living space and by not doing so he would then be meeting the letter and spirit of the ordinance. The upper floor was to have no heat source or plumbing. Whatever the purchaser of the property chose to do was then up to them and their conscience.

Mr. Tebo thanked the Board for their time.

The Board discussed whether or not the ordinance needed more definition on living space. Mr. Morales stated that Mrs. Belcher's recommendation that the definition of all areas which would be deemed living space should be specifically denoted to include closets, hallways, stairways, etc. was a valid one and Mr. Lloyd agreed that it should be written into the ordinance.

Mr. Morales reported that a resident had already approached the Building Inspector for a building permit to finish the second floor space in one of the units and that was the reason Mr. Tebo had approached the Board.

Mr. Smith reminded the Board that the ordinance for Elderly House read as follows: *"Dwelling units shall be specifically designed to provide housing for elderly residents. Units shall have a maximum of two bedrooms, may not exceed 35' in height, and may be either one or two stories. Buildings shall be separated by a minimum of 35 feet. No individual unit shall exceed 1,500 square feet of living space."*

Mr. Day stated that the Board could refine the definition and present it at Town Meeting.

CONTINUED 2006 CIP UPDATE WITH DEPARTMENT HEADS

Mr. Ted Lloyd, Library Trustee Mr. Day asked why Mr. Lloyd had put down \$850,000 for the construction of the new library when **Table 9** had it down for \$650,00 and Mr. Lloyd stated that there was \$200,00 in capitol Reserve for the project. Mr. Day reported that the Town had put in another \$100,000 this past year, which made it \$550,000 and Mr. Lloyd reminded him that it was \$560,000 assuming that the Capital Reserve was at \$290,000. Mr. Day stated that he would check the figures and verify the amounts.

Mr. Day stated that **Table 10** would change. Mr. Lloyd reported he was informed the way a municipal bond was repaid was 1/20 of the remaining principal plus interest was due each year and asked if the table figures needed to change to reflect that. Mr. Day stated it did not need to be changed.

Mr. Day asked Mrs. White to report on her list of RSVPs from the CIP department heads. She reported that the Police Department, Cemetery Trustees, Conservation Committee, Town Clerk and Treasurer had responded that they had no changes and would not be attending, and that the Elementary School, Recreation Committee, and Historical Committees had not responded at all.

Mr. Day reported on his dealing with the various departments who did not respond:

Police Department - Mr. Day reported he had spoken to Police Chief Reid Simpson who stated that the land acquisition portion of the table could be deleted, but the bond for the structure and equipment should stay the same.

Cemetery Trustees - Mr. Day reported that the cemetery trustees stated that nothing had changed, but there was still expenditure for cemetery road repairs and he would need to get with Mr. Lewandowski to clarify that.

Conservation Committee - The Conservation Committee Chairman reported no changes, although the Town has gotten a bond for 2.3 million dollars; 65% of that amount is for conservation easements and the remainder is for the Police Station. Mr. Day asked the Board if the conservation easements should be added to the tables and the consensus was that it should.

Historical Committee - Mr. Day had spoken to Janet Damsell and Don Clark and Ms. Damsell had explained that there were two separate bodies; a historical society and a historical commission and that they don't get involved with each other's affairs. Mr. Day stated he considered them one and the same.

EKES - Mr. Day stated that he had personally delivered the tables to the Exeter Region Cooperative School, specifically Mr. Nathan Lenny, who was happy to receive the information so early and will be back to the Board with the updated numbers.

There was discussion in reference to the currently non-existent Recycling/Solid Waste committee and the general consensus was that it should be reinstated.

DISCUSSION ITEMS

Mr. Day reviewed several items with the Board.

John Daly's Memo in regard to the ZBA role and authority - Mr. Daly's memo stated that the ZBA has authority to hear variances without the applicant coming to the Planning Board or any other entity first.

August 17 Meeting Agenda - Mr. Day stated Mr. Sancoff had submitted a plan for his public hearing. He asked the Board to review it to decide if they needed any more information than what Mr. Sancoff had provided.

Public Hearing for subdivision of land, paragraph R. – Mr. Day stated that Chief Andy Conti had reviewed the verbiage presented and agreed it clarified the definition of how many lots would be allowed. Mr. Day stated that this Subdivision Regulation change would need to be voted on to present at the 17 August Meeting and asked for a motion from the Board.

MOTION: Mrs. Belcher **MOVED** that the Board take the subdivision change proposal regarding to Section VII – General Requirements for the subdivision of land, regarding relaxed fire suppression provisions, to Public Hearing on 17 August 2006. Mr. Morales seconded, and the motion passed unanimously.

Public Hearing for subdivision of land, paragraph K. - There was discussion on whether there needed to be any other changes and it was decided more changes were not necessary. Mr. Day stated that this Subdivision Regulation change would need to be voted on to present at the 17 August Meeting and asked for a motion from the Board.

MOTION: Mr. Morales **MOVED** that the Board take the subdivision change proposal to Section VII – General Requirements for the subdivision of land, regarding slopes, to Public Hearing on 17 August 2006. Mrs. Belcher seconded, and the motion passed unanimously.

Mr. LA Smith's balloon test memo – Mr. Day referred the Board to the memo and encouraged the questions be incorporated into the proceedings at the August 17 meeting. Mr. Day stated that Mr. LA Smith had brought up a valid question of whether the pole height could be reduced to 150'. Mr. Day also stated that he had gone up the existing road with the landowner to the site and since they had to walk to reach the site, it became unclear as to where the road to the pole would be located. Mr. RA Smith asked if they might be planning on using the power line easement, and Mr. Morales said he thought the same as it was already cleared. Mr. Day stated he hoped that that item would be clearly indicated on the plan set.

Clark/Nadeau suits – Mr. Day reported that both of the suits have been formally dismissed and both sides have signed all the paperwork

Building permit situation - Mr. Day has had correspondence with an individual who is thinking of buying the Turner/Bowley development and wants to know if he can get 10 building permits for the Rowell Road section of the development. It was confirmed that he could do so if he owned the property.

Growth Managements ordinance revision update – Mr. Day reported he has the wheels turning for an update of the findings of fact for the growth management ordinance and asked the Board if that was where they were heading. The Board agreed they were. Mr. Day stated that Dr. Robinson is working on it as well as the Board, and thought they could work on it a the September work meeting.

Zoning Ordinance book - Mr. Day reported he had sent the members the zoning ordinance book on e-mail and would provide Dr. Marston with a paper copy.

Dr. Marston reported that he had heard from a couple that went for a walk by the new high school in Exeter in last week. The school had the air conditioning running and all the back doors were open. It was 60 degrees inside and 90 degrees outside. All the lights were on in the building and the ball field, and an auxilliary generator was running. They walked right into the school, into the computer lab and no one stopped them. They walked in and walked out and saw no one; no security guards, no janitors. They did this three nights in a row.

Adjournment:

MOTION: Dr. Marston **MOVED** that the Board adjourn. Mrs. Belcher seconded, and the motion passed unanimously.

The board adjourned at 9:40 pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

Distribution:
PB file(s); PB members; RPC Senior Planner; Board of Selectmen; ZBA members; Conservation Commission; Fire Department; Building Inspector.