

East Kingston Planning Board

Date of Meeting: August 15, 2002
Place of Meeting: Town Hall
Type of Meeting: Monthly Meeting
Time of Meeting: 7:00 p.m.

Present: Richard Smith, Chairman; David Morse, Cathy Belcher, Alternate; Roby Day, Alternate; and Gene Madej, Alternate.

Others Present: Kent Shepherd, Building Inspector
Andy Conti, Fire Department
Larry Smith, Conservation Commission

Call to Order: Mr. Smith called the meeting to order at 7:05 p.m. and appointed Ms. Belcher and Mr. Day as regular members for this evening.

In-Coming Correspondence:

1. August 7, 2002 Guildford Transportation regarding Caley/Denson Subdivision, Country Hills of East Kingston.
2. Office of State Planning-Survey regarding Outdoor Recreation Needs.

Acceptance of Minutes:

The board post-pones the acceptance of minutes until the next meeting.

Richard Cook. Discussion Purposes Only

Mr. Cook and Mr. Dennis Quintal, P.E. was present.

Mr. Cook addressed the board regarding the establishment of a proposed light industrial park in the location of the formerly proposed Franklin Park on Route 108, known as the Bowley property. Mr. Cook noted the Town had rezoned the property to light industrial with an option of residential development. He noted this land is not suitable for residential development, however a conceptual subdivision and layout was presented for a light industrial park consisting of a dead end road and several buildings with individual units saving the unique features and resources of the area. Mr. Cook noted this is a business proposition and small industry within the Town is needed at some point in the immediate future. He expressed concern over businesses being able to start-up within the area and people living in the community should have a sense of community. Mr. Cook noted that this parcel is situated on top of the aquifer, near the power lines and gas line. Mr. Cook noted that test wells have been dug and have proven to be very beneficial. A previous development plan was disapproved thru the Zoning Board of Adjustment as the criteria for a variance could not be met. The new revised plan as shown at tonight's meeting depicts a dead end road which would not access Ashlie Road, protection of the wildlife corridor, fire suppression designed by the State of NH to

protect three ecosystems, and potential access to Paul Masone's property to reduce traffic flow patterns. This is a conceptual plan at this point. A layout plan was presented to the Board.

Mr. Quintal stated the board has seen this plan, however in a different configuration. He noted the wetland areas, gas line areas, power line areas and access to the Masone property. He noted the access would be thru the current dirt roadway accessing Dewey Bowley's pit area. The proposed roadway would be built to Town Specifications including the required 24 foot width of pavement. It was noted, however, that the length of the road is longer than what is currently allowed without the tie in to the Masone property. He noted he is working on the final roadway, drainage and layout of the project.

Mr. Cook noted several small business people have approached him about developing this parcel which would consist of two large buildings of approximately 20,000 square feet with individual units of 1,000 to 3,000 with a maximum of 5,000 square feet each with an association. He noted that part of the Ashlie Drive turn around is located on his property and he noted he does not want to interfere with that neighborhood and he would like to increase the buffer area and wildlife corridor of that area. The wells have been monitored for 48 hours straight along with monitoring of the river at the time the wells were being tested, with no significant problems being associated with this. He explained the intent is to create the 1st phase and then proceed to the second phase of additional units and septic systems. Mr. Cook further explained that he is working with Mr. Masone to create a thruway which would eliminate the road length issue. It was further noted that one single family house lot would be accessed from Ashlie Road with no proposed tie in to this road. Mr. Cook noted he will need to work with the environmental and conservation issues along with various boards and individuals within the community regarding the natural resources.

A brief discussion regarding cell phone towers was held. The board thanked Mr. Cook for coming before the Board with his proposed plans.

Continued Public Hearing for Jeff Caley and Gary Denson. Country Hills of East Kingston. Proposed Elderly Housing Community

Mr. Dennis Quintal, P.E., Attorney John Ratigan, Donahue, Tucker and Ciandla, Jeff Caley and Gary Denson were present. Abutters Ellen Olson and Mr. and Mrs. Turco were also present.

It was noted this Continued Public Hearing had been re-noticed with a legal notice in the newspaper and notification to abutters.

A report from Ms. Carriel, RPC was not received due to a family emergency.

Mr. Quintal presented the same plans from the previous meeting which consists of 36 single units with two bedrooms located on Route 108 with a double entrance loop road. Since the last meeting, Mr. Quintal has met with Engineer Jay Stevens regarding roadway and drainage issues. Mr. Quintal is still working on these changes and a drainage report and plans were presented on Monday. These have been forwarded to Mr. Stevens for review. Mr. Quintal discussed the open space which consists of 14 acres where 7.6 acres is required. Mr. Quintal depicted on the plans the open space

areas. For site loading and wastewater disposal, the proposal requires 8 acres of land and 21 acres of upland soils is required for the proposed density of 36 units. Mr. Quintal depicted the water supply, well radius areas and pump house areas. The lot numbering of the units has been reviewed and assigned by the Selectmen's Office. The four-way intersection has been revised regarding the traffic flow. Mr. Quintal has talked to Mr. Stevens about this connection and it was suggested for emergency access, that this area might be left in a gravel state with appropriate signage installed to caution the drivers regarding turning traffic. It was felt that by leaving the connection in a gravel state it would discourage the use of using the connection, thus leaving it for emergency purposes. The lighting plan was presented showing street lights, community center lighting, and pump station lighting. The fire cistern, dry hydrant and fire pond were noted on the plan. Approval is still required from the Fire Department. The cost analysis for road construction still needs to be provided for Mr. Stevens to review.

The board discussed the fire pond location and installation of the dry hydrant. The existing pond will be expanded. A 30,000 gallon cistern is proposed for the "intersection" area and detail is shown on plan D-4.

Mr. Smith noted that an amended Dredge and Fill Permit is required for the fire pond construction and roadway construction as the plans have changed from the initial approval.

Mr. Smith noted the letter received from Guilford Transportation, a butter, regarding construction within 25 feet of the railroad. This letter will be faxed to Mr. Quintal. The septic system area locations were reviewed along with areas that could be used for various recreational uses. The water testing was completed by Prescott Well and Pump. The water volume and water quality testing has been completed and supports the number of units being proposed. Notices to abutters were given for the 24 hour testing period. The water quality standards still need to be submitted to the board. Mr. Quintal noted that Mr. Prescott could answer more specific questions regarding the water testing and quality issues.

Mr. Scott Shuber asked if the private roads would be built to Town Specifications. It was noted the roads would be built to Town Specifications.

Attorney John Ratigan was present and presented the condominium documents and bylaws. The documents also include a provision for the expansion of development. The prospective homeowners need to be notified prior to the purchase of the unit that possible expansion of the development is possible onto abutting properties and that the seller has seven years in which to expand the development on those parcels which are identified within the documents. The Association then can grant an additional 7 years for this expansion for a potential 14 years. Attorney Ratigan explained this is incorporated into the document and the proposed right-of-way has been included to abutting property on page S-2 of the plan set. The Turco, Page, Morin and Davis properties have been included within the expansion list which also depicts the projected build out, deed description and declaration. Attorney Ratigan explained convertible land and density requirements which may be used as additional development land. Additionally, Attorney Ratigan explained that the documents name the future owner as a transfer will be taking place prior to the construction of the development and the documents will not have to be corrected in the future to show this change. The elderly

housing covenants are almost identical for Cricket Hill and Maplevale projects.

Outstanding items to be addressed include the following: Report from Town Engineer, Jay Stevens; Report from Ms. Carriel, RPC; Approval from the Fire Department; Review and approval of the Bylaws and Condominium Documents; Plans stamped by the Engineer, Soil Scientist and Surveyor; Cost Analysis for the associated improvements; Receipt of State Approvals to include State Subdivision Approval, Site Specific, and amended Dredge and Fill Permit; and water quality testing report.

Mr. Day made a motion to continue the Public Hearing until September 19, 2002 at 7:30 p.m.

Mr. Morse seconded. The motion passed unanimously.

Continued Public Hearing for Brentwood Commons, LLC For A Proposed Lot Consolidation and Three Lot Subdivision Located on Willow Road, Tax Map 7, Block 1, Lot 7 and Tax Map 8, Block 1, Lot 16

Mr. James Lavelle, Lavelle Associates and Mr. Larry Ericson were present. Mr. Michael Schott, abutter was present.

Mr. Smith stepped down from the Board as he is an abutter. Mr. Morse presided over the meeting as Chairman.

Voting Members: Mr. Morse, Acting Chairman; Mr. Day, Mr. Madej and Ms. Belcher.

Mr. Lavelle presented revised plans for a three lot subdivision and proposed Taylor Way to the Board. The existing home will remain on a two acre parcel accessed from the proposed Taylor Way with two remaining lots consisting of over 6 acres each. Mr. Lavelle noted State Subdivision Approval has been received and added to the plans.

A report from Rockingham Planning Commission was received and reviewed as follows and coincides with Mr. Lavelle's presentation of revisions he had completed:

1. The owner of MBL 8-1-16 should be noted on the plan for the lot consolidation, and authorization of the owner provided. **This has been accomplished.**
2. Map, block and lot numbers for the proposed lots should be confirmed with the Town. All notes on the plat should indicate the full tax map, block and lot number for the lots involved. **In the main body, of the plans the tax map references follow the map, block and lot protocol. On sheet 1 of 13 in the plan notes and in the descriptive box above the engineer's title block the plan references the lots without block references. This is also done on each page above the title block and should be corrected.**
3. Sheets 2 and 3 (Existing Conditions) should include the existing lot line between 7-1-7 and 8-1-16 and area of each lot. **This has been corrected.**
4. Sheets 2, 4 and 6 incorrectly show lot 7-2-1 with two different owners names and addresses, while lot 7-2-2 is not shown. While this may have been a typographical error only on the

- plan set, the abutter list should be reviewed to ensure that all abutters were properly notified. **This has been corrected.**
5. The Town requires that septic system leach fields be set back 20' from property lines. (Zoning Ordinance Art. VII, Section D.6) A portion of the 4k septic area for proposed lot 7-1-7-1 is within the 20' setback, which would require a variance. **This has been corrected.**
 6. The board should confirm that a drainage report has been submitted as part of the application package. **This has been done.**
 7. Issue regarding awkward lot configuration. **The revised plans continue to show awkward lot configuration.**
 8. The application material does not include the required soil information as outlined in Sub. Reg. Sect. VII. The required level 2 information and supporting documentation should be provided to determine whether SSS maps are/are not necessary. The plans have incorporated soils information but there are not plan sheets that have been stamped by a certified soils or wetland scientist. **The board asked that the county soils maps be added to the plan set and the plans had been stamped by Timothy Ferwerda, Wetland Scientist.**
 9. All proposed easements (roadway, drainage) should be identified on the plan set. Is the road proposed to be a public roadway. A proposed road name should also be provided. **The plan notes (#11) on sheet one indicate the roadway is to become public and known as Taylor Way.**
 10. The plan shows utilities from Willow Road to the existing house to remain above ground. **The new lots will be serviced by above ground utilities.**
 11. The verbage that bounds are "to be set" should be removed. **The board requires a Certificate of Monumentation prior to final approval.**
 12. Suggest adding proposed wells and 4k septic areas to those sheets to be recorded. **The board is requiring that the proposed wells and 4k septic areas be added. Mr. Lavelle felt that this was not necessary as the proposed locations are just that "proposed" and that the intended lot developer could change these proposed locations. He further noted that this is not a requirement of the Registry of Deeds.**
 13. Fire protection provisions. **A cistern is proposed, however it has not received Fire Department Approval.**
 14. **Engineer review will be needed once the Board accepts jurisdiction on the plan.**
 15. All state permits are required before final Board approval. **The Town is in receipt of the State of NH subdivision approval for this proposal and the approval number has been added to the plans.**

The board discussed the sight distance issue when existing the proposed Taylor Way. Mr. Lavelle noted that brush is proposed to be cleared to insure proper sight distance. He also explained the sight distance requirements of 200 feet in each direction based on the speed limit of the road. No clearing is required to the North of the site, however clearing is required to the South. Mr. Lavelle noted the sight distance will exceed the requirements for the speed limit of the road. **Ms. Belcher asked that a note be placed on the plan regarding the sight distance issues.**

Mr. Schott asked if the history of this property had been reviewed in conjunction with a previous subdivision. Ms. Rice had pulled the file and noted that the original owner, Mr. Bertram had received approval for a three lot subdivision, but subsequently to that approval had applied for a four

lot subdivision, but because of the lack of frontage, only a three lot subdivision could be approved. As a result, the "fourth lot" is being combined within this subdivision to create the two new proposed lots. Mr. Schott also expressed concern regarding safety existing the new proposed Taylor Way and impact to the wetlands. Additionally, Mr. Schott asked that the new proposed driveway to the existing home be kept the minimum legal distance from his property line which is ten feet, and if it were to be closer he would request a privacy fence be installed.

Mr. Day made a motion to accept the plans for jurisdiction.

Ms. Belcher seconded. The motion passed unanimously.

The plans and drainage report will be submitted for review to the Board Engineer.

Mr. Day made a motion to continue the Public Hearing until September 19, 2002 at 8:00 p.m.

Ms. Belcher seconded. The motion passed unanimously.

Mr. Smith returned to the Board in his capacity as Chairman. Mr. Morse resumed his position as a regular member of the Board.

Items outstanding for this proposal include: Note on plans to be added regarding sight distance issues; county soil maps to be added to the plan set; Receipt of Town Engineer report; Receipt of final report from RPC; Fire Department Approval for fire suppression; Establishment of road bond; 4k and well radius areas to be added to the plan; Receipt of Certificate of Monumentation.

Public Hearing for Ronald Dawson and Brett Smith For A Proposed Lot Line Adjustment Located on Ashlie Road

Mr. Peter Landry, Licensed Land Surveyor and Mr. Brett Smith were present. No abutters were present.

A brief memo from RPC was received which noted the following: The newly created lot line has not been surveyed and the lack of monumentation on the Pow Wow River side of the new lot line. It was recommended that monementation be set or offset to allow that no land disputes occur in the future.

Mr. Landry presented a proposed lot line adjustment which shows 5.89 acres being transferred from Mr. Dawson's property to Mr. Smith's property. The Dawson property would consist of 5.01 acres and the Smith property would consist of 7.9 acres. Mr. Landry noted that the notation relative to the Shoreland Protection was removed. Mr. Landry agreed to survey the line and set a boundary marker to depict the actual boundary line. The boundary marker will be shown and identified on the plan.

Mr. Morse made a motion to accept the plans for jurisdiction.

Ms. Belcher seconded. The motion passed unanimously.

Mr. Day made a motion to grant conditional final approval pending the completion of the following:

1. Appropriate monumentation to be set on the newly created lot line and so noted on the plan.
2. Receipt of Certificate of Monumentation.

Ms. Belcher seconded. The motion passed unanimously.

Discussion-Proposed Lot Merger-Mr. and Mrs. Michael Logan, Rowell Cove Road

A voluntary lot merger request was received from Mr. and Mrs. Logan located at 31 Rowell Cove Road.

The board discussed the proposed voluntary lot merger request and several questions arose from the request. The board questions the merger as both lots currently exist as non-conforming lots. If joined, the Logans would like to build a new home on the combined lots, however it is felt by board members that this would still be a non-conforming lot and thus substandard. The merger would make the two lots less non-conforming, but not conforming to the current Zoning Ordinance. Mr. Smith also had a question regarding the approval of this request in light of the recent Selectmen's Memo. The board asked that this item be placed on the September agenda and to seek input from Legal Counsel.

Discussion of Dunlop Non-Residential Site Plan Review

Mr. Shepherd noted he has been approached by Mr. Dunlop for a demolition permit. The site plan has not been recorded. The board noted that Mr. Dunlop may proceed with the demolition. The site plan shall be recorded prior to the issuance of any building permits.

Discussion of Paul Masone-Compliance With Site Plan

Mr. Shepherd noted he has visited the site of Mr. Paul Masone's business located on Route 108. Mr. Shepherd took several pictures showing a travel trailer being used for human occupancy, construction of an addition for Jones Boys Insulation without a building permit and non-conformance with the sign ordinance. Mr. Shepherd also noted that several more businesses are being run from the site without non-residential site plan review approval. Additionally, Mr. Shepherd noted several unregistered motor vehicles on the property. The board referred Mr. Shepherd to RSA 236:12. The board briefly reviewed the non-residential site plan for Jones Boys and felt that construction of the addition was not approved during that particular process.

The board asked that Mr. Shepherd communicate these issues with the Board of Selectmen and begin the enforcement procedures to bring these issues into conformance.

Discussion of Denny's Auto Body

Mr. Smith noted that on the front page of the Carriage Towne News a new business has been established at Denny's Auto Body regarding the sale of cars. He asked the board when this new business was approved. Mr. Smith noted that the State had sent a letter for the approval of the sale of cars which was subsequently approved by the Board of Selectmen and not referred to the Planning Board.

Mr. Smith also noted that gravel permits and excavations are the responsibility of the Planning Board, not the Board of Selectmen.

The board will discuss these issues when Mr. Fillio is present.

Discussion of Zoning Ordinance Changes

The board discussed various zoning ordinance changes relative to growth management and non-inclusion of elderly housing units within the conventional housing stock. The board discussed refining the definition of the 10% rule to not include the elderly housing stock for establishing the number of building permits for the upcoming year.

Ms. Belcher volunteered to present a proposal to the board relative to these changes at the next meeting. This proposal will also be reviewed by Board Counsel, John Daly.

The board adjourned at 9:54 p.m.

Respectfully Submitted,

Susan J. Rice
Secretary

Minutes Completed: August 19, 2002

Minutes Accepted: