

pls. file
August 16, 1989

Members present: Richard Smith, Chairman; William DiProfio, Selectman; Kathy George, and Dr. Robert Marston

Others: Larry Smith, Conservation Comm.; Joe Conti, Building Inspector; and Sarah Campbell, RPC

Mr. Smith called the meeting to order at 7:45pm.

MONAHAN FARM-JAMES CORBETT The Board signed a Subdivision Plan for the Monahan Farm Property dated 5-16-89, Rev. 1 dated 6-13-89, as all criteria have been met.

CORRESPONDENCE There were several pieces of correspondence that were discussed by the Board at this time:

1. Letter to Carol Powers from David Conti-re: new school.
2. Letter from the Office of State Planning-given to Sarah Campbell.
3. Letter from NHMA-re: Law Lecture Series in Exeter.
4. Dredge & Fill Application of Bioteau property-Planning Board copy.
5. County Conservation Commission-re:Identificaiõn of wetlands workshop.
6. Rockingham Cty. Con.Con., John L. Conner-re: FMR-engineering reveiw.
7. Rockingham Planning Comm. letter-re: Wetlands Protection-discussion delayed until later in evening about hiring consultant.
8. Ten-year Highway Planning meeting-scheduled this evening.

ROBERT MILLS The Public Hearing for Robert Mills was opened at 8:07pm. Ron Pica, Engineer for Mr. Mills was present and spoke to the Board.

One abutter to the property stated his objection to continuance of the meeting as all abutters have not been notified of the meeting as per the RSA. Mr. Pica stated that they were made aware of a change in abutters and they had changed one name and that person, Mr. Hale had been notified.

Mr. DiProfio asked that the abutters be identified before proceeding. It was discussed by the present abutters and the Board and determined that several abutters have been omitted from the list submitted to the clerk for notification.

Mr. Pica stated that if an abutter is present, by written notification or not, it would be considered a notification was executed if the abutter were present.

Mr. DiProfio then read the letter of objection in full to those present and the Board members.

A poll of abutters present was made. Those in attendance were:

1. Representative of Priscilla Ross
2. Mr. Patnaude
3. Pearl Warren
4. Mr. Hale
5. Mr. Powers

Mr. DiProfio expressed his concerns with continuing this Public Hearing and starting the 90-day clock running.

Mr. Pica stated he felt the development would require more than 90 days and he requested the meeting continue as a preliminary discussion.

Sarah Campbell suggested the Board continue with the Design Review phase. She also warned Mr. Pica to keep the design details in the background and proceed with the conceptual review and limit the details.

Mr. Pica referred to Sarah Campbell's letter to review to see if the project is viable.

Mr. R. Smith stated that the Board needs the information which would involve more details.

Sarah Campbell stated the letter questions the number of units allowable, the cluster concept is okay by regulation.

Mr. Pica stated they could cut the length of the road to allow 1000 ft. of length to the cul-de-sac. He stated the length was contingent upon the inclusion of Andrews Lane. He further stated that they should be allowed the footage in the land of Mr. Mills. If the Board denies the length to begin at the property line of Mr. Mills, the land is unusable.

Ms. Campbell stated she takes exception to the term unusable, it is what the regulations say. She stated she feels there is reasonable use of the land.

Mr. Pica asked where the 1000 ft. is to start.

Ms. Campbell stated it is up to the Board. She said it is her inclination that the intent of the maximum length of road is for safety reasons. She would believe the length begins at South Road.

Mr. Pica stated the question is where they can have a road. If it begins (length) at South Road there is no development. If it is a private driveway from South Road there is no development. He feels this is not a reasonable use for 45 acres to only support one single-family home.

Mr. Pica further stated that if the road stipulation would only support 20 units per 1000 ft. of road, and there are already 17 units on Andrews Lane, then they would only be allowed three units if they were allowed a road.

Mr. DiProfio asked if there were 200 ft. of frontage on Andrews Lane.

Mr. Pica stated they do not have a defined frontage on Andrews Lane, they have the width of Andrews Lane.

Mr. Mills spoke at this time to clarify that there is an existing cul-de-sac that has 180 ft. of frontage. They would be willing to keep it intact if the Board wants it. It is presently town maintained.

Mr. Pica said that it is basic to find out where the road starts.

Mr. R. Smith stated that if the Board determines it starts at South Road, there is no project.

Mr. Pica stated he feels the number of feet to the cul-de-sac begins at the owners property.

Ms. Campbell replied that she will be leaving the decision to the Board.

Mr. R. Smith asked for comments from the Board members. There being none he stated they would be studying it further.

Mr. Mills stated that as he was sitting in the audience, he has heard several comments from abutters. He wished to make statements to certain concerns: Andrews Lane has more than 24 ft. width of hot top. The ROW is 30 ft. wide. It is ready to receive 24 ft. hot top.

Mr. Pica had a request that the Board consider less than 60 ft. ROW.

Mr. DiProfio commented "that's what the guy who built Andrews Lane said".

Mr. Pica stated that the plans clearly show that there would be no other roads to allow this to become a collector road. There are physical restrictions in the area to prohibit such building.

Mr. DiProfio stated the Board will take this under advisement and discuss it. They will notify Mr. Mills by the next meeting and it will be in adequate time to notify all of the abutters per RSA for the next meeting of the Board.

Mr. R. Smith stated the Board will notify Mr. Mills of its findings.

The discussion with Mr. Pica/Mr. Mills ended at 8:35.

PRISCILLA ROSS The Public Hearing for Priscilla Ross was opened at 8:38pm. Mrs. Ross' agent, David McLean was present.

Mr. McLean stated he has the Driveway Permit and the bounds have been set. Mr. Joseph Conti, Building Inspector viewed the bounds and confirmed they are set.

Mr. McLean gave the Driveway Permit to Sarah Campbell for filing.

The Plan for Mrs. Ross, South Road was signed.

The Public Hearing closed at 8:43pm.

RICHARD AND MARILYN WORTH The Public Hearing for Richard and Marilyn Worth was opened at 8:45pm.

The Engineer for Stockton Services was present. She stated there had been a question previously with the soils. She questioned the necessity to have two acres of non-poorly drained soils. She showed the Board changes to the plan and gave a written detailed report from the Soils Scientist, Mark Jacobs, to Chairman Smith.

A copy of the State Subdivision Approval was given to Sarah Campbell for the file.

The Engineer stated that the Soils Scientist states that most of the land between the ponds are not very poorly drained soils.

Mr. DiProfio asked if the Board is waiving the requirement for High Intensity Soils Study.

Mr. R. Smith stated the Board has the report in hand and everyone can read it if desired.

The Engineer submitted a letter requesting an expedited review, to accept and grant an approval this evening.

Mr. & Mrs. Marshall, abutters were present and stated they have no objections with the proposal.

Mr. R. Smith inquired about the area of the pond on Lot 1.

Mr. DiProfio asked how they met the minimum good soils area.

The Engineer stated by soils calculations in Lot 1.

Mr. DiProfio motioned for the purpose of this Subdivision Application, the Board waive the High Intensity Soils Study and accept the report of Soils Scientist Jacobs.

Ms. George second.

Mr. R. Smith called for the vote. The motion carried 4-0.

Mr. R. Smith noted that the plan does not show bounds found.

The Engineer from Stockton stated this is not required prior to receiving a Building Permit. They will set a stone bound prior to receiving a Building Permit.

Ms. Campbell suggested to facilitate future reference that Lot 1 be marked 09-06-01 and Lot 2 marked 09-06-06. This was done by the engineer.

Mr. DiProfio motioned to waive further hearings and the plan be accepted and approved as presented this evening.

Ms. George second.

The motion was carried by 4-0 and the plan was signed by the Board.

The Public Hearing for Richard & Marilyn Worth was closed at 9:15pm.

FMR The Public Hearing for FMR, Inc. was opened at 9:18pm.

Mr. DiProfio, an abutter to this property was recusant.

Mr. James Rand, Engineer for the 31 unit Cluster Development proposed was present to discuss the site. He presented location data and other deceptive data pertaining to the site. Mr. Rand stated that the access has a driveway permit from the State. The access from Depot Road will be named Brandywine Drive. The community wells are placed and approved by the NH Water Pollution Control Commission.

He addressed several issues presented through a letter from Sarah Campbell:

1. The setbacks can be met.
2. Driveways are shown on the plan.
3. Sewer lines are noted on plan.
4. Surveyor stamp is on the plan.
5. State permits have been applied for.
6. Water lines, electric and telephone will go on opposite shoulders of the road.
7. Fire pond will have dry hydrant between Lots 11 and 12.
8. Fire pond will produce 500 GPM.
9. Sediment controls will be in place during construction.

Mr. Rand addressed the length of the road and the number of units on it and deferred these questions to the developer. [Clerk's notation...Mr. Decker did not address these items at this time....other questions were forthcoming from the abutters concerning specific engineering concerns.]

Ms. Debra Walen, abutter asked about the notation of an easement to Hummel, there was only a change of ownership.

Ms. Walen also expressed her concerns with the flow of traffic from the project because the egress is directly in front of her house and she fears the lights of the cars reflecting within her home.

Mr. Rand stated the driveway was regulated by the State and their requirements must be met. There will be a turning lane and he anticipates this may lessen the problem to some degree. He also suggested the possibility of screening to be placed to help.

Mr. Decker said that if the State would allow the relocation of the drive, they would be happy to do it to accomodate her comfort.

There was discussion of the septic systems and the long term effect they would have on the immediate and surrounding areas.

Mr. David Conti stated he would like to see the engineering study regarding the gallonage for an approved fire protection source. He explained the town presently was opting for reduced fire insurance rates through uses of fire protection areas.

Mr. Decker stated he would gladly supply them to the Fire Chief.

It was noted there will be no sprinkler systems within the complex.

There was discussion regarding the road construction and possible run-off.

Mr. Rand stated that all road specifications will meet all town requirements.

At this time it was said the Mr. Hummel was not notified as an abutter. He still retains a parcel abutting the proposed development. It was stated it was questioned only relative to starting the 90-day clock. Mr. Decker stated he is willing to suspend the clock pending notification of an abutter.

There was a question concerning the acreage remaining the common ownership of the 31 owners of the cluster lots.

There will be deed restrictions and covenants governing the common land.

Mr. Decker asked if he could construct 20 units on the first 1000 ft. of roadway to alleviate the need to vary the length of the road. This would be the allowable number of units for the road length requirement. He further stated that what is showing on the design is conceptual.

It was asked if the fire pond is located in the first 1000 ft. of roadway and therefore in the first phase asked to be developed. Mr. Decker replied that it is just over the first 1000 ft.

It was noted by Mr. Decker there is a contradiction between the subdivision regulations and clustering.

There was lengthy discussion concerning roadway lengths.

Mr. Rand inquired if the Board would consider a ROW to the adjacent property that would provide a 60 ft. access to the abutting land. He suggested a possible loop that would perhaps pass through the Barton land.

There was discussion concerning the consideration of 1000 ft. of road and not the entire piece. The Board concluded they would like to deal with the entire project and not do it piecemeal.

Mr. DiProfio stated he saw the setback area being an enforcement problem for the Selectmen and the Building Inspector. His concerns are with building of sheds, etc. within the common areas.

Mr. Decker stated the Town has setback requirements existing, if the common areas are utilized in violation this would be a situation that would not be unique to the Town of East Kingston and this cannot be further regulated.

There were questions concerning parking for cars other than residents. The possibility of hampering the movement of emergency vehicles was mentioned.

Mr. Rand explained there is 22 ft. of paved area on a 24 ft. ROW for each driveway to the clustered homes.

It was suggested one possibility to allay the disturbance to the Walen property would be to shift the first three lots to the East.

There was discussion about the possibility to help the town with the additional expenses for town services.

Mr. Decker assured that even though they are cognizant of the town's needs, with the pricing of the homes averaging \$90,000 it is not financially feasible at this time to promise more help from the developer.

Mr. R. Smith polled the Board members regarding the consideration of a partial or whole road length proposal. Mr. Smith, Ms. George and Dr. Marston all agreed they wished to consider it with the entire road, 2000 ft., as shown on the plan submitted.

Mr. DiProfio asked if the plan has been reviewed by the Conservation Committee.

Mr. Larry Smith stated that he has an overlay and that the maximum number of units that can be placed using the minimum lot size figures is 20 units.

Mr. Decker reminded him that Jim Hayden has addressed the engineering and the percentage of poorly drained soils. Mr. Hayden has figured they can place 29 lots.

Mr. Decker asked Mr. L. Smith to come by his office and sit down to go over the plans during the preparations.

Mr. L. Smith stated that he would like to review the calculations with Jim Hayden first.

The Public Hearing for FMR, Inc. closed at 10:50pm.

JAMES BIOTEAU Mr. James Bioteau came to Mr. R. Smith to request an informal discussion with the Board regarding further subdivision of his property. Mr. Smith stated that because of the late hour they would not discuss it this evening, but he could come before the Board at the next meeting.

RPC-WATER RESOURCES BID Mr. DiProfio motioned to accept the bid and hire Rockingham Planning Commission to do the Water Resources Management & Protection Plan.


Ms. George second.

The motion carried 4-0.

Mr. R. Smith stated there will be a Special Meeting of the Board to discuss the Robert Mills Cluster proposal on August 30, 1989 at 7:30pm at the Town Hall. Posting will be done at the Town Hall and the Post Office.

The meeting was adjourned at 11:15pm.

Respectfully submitted.



Nancy J. Marden, Secretary/Clerk