

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
August 16, 2001

FILE

AGENDA

- 7:15 Julian Dunlop – Carmen's Property Proposal - Discussion
- 7:30 The Residents of Maplevale, LLC–27-lot Subdivision – Continued Public Hearing
- 8:00 Maplevale Woods – Elderly Housing Dev.– Continued Public Hearing
- 8:30 Wayne Ewald – 3-lot Subdivision – Public Hearing
- 9:00 Maplevale Farms – Elderly Housing Dev.–Public Hearing

Members attending: Richard A. Smith, Sr. – Chairman, Beverly A. Fillio – Vice-chairman, John L. Fillio – Ex-officio, Dr. Robert Marston, David G. Morse and Alternate Member J. Roby Day, Jr.

Others attending: Maura Carriel – RPC Planner, Glenn P. Clark – Building Inspector, Kent Shepherd – Deputy Building Inspector, Fire Department Lieutenant Andy Conti, Fire Chief Mazur, Matt Davis, Joe Coronati, PE, Eva Smith, Dennis Quintal, Atty. John Ratigan, Jeffrey Hirsch, Lori Cashman, Nat Rowell, Jan Smith, Gene Madej, Sally Guilmette, Wayne Ewald, Walter Zwearcan, Ron Morales, Paul Masone, Rev. John Barner, John Clarke, Conrad Moses, Julian Dunlop, Bob Rossi, Mark Durkee, Shyre Keddy, Jeff Wilson, and many other members of the public who did not address their concerns.

Chairman Smith opened this August 16, 2001 planning board meeting at 7:04 p.m. with the role call.

Incoming Correspondence: Chairman Smith noted the following incoming correspondence:

1. Community Workshop – Planning for Wildlife and Other Resources – several dates given.
2. Letter from Selectman Andolina regarding the board's concerns about noise, lighting, etc. with the Town Hall. Two options for remedy were offered 1) usage of school's audio system, or 2) use of school facility. Mr. Day offered his own interim solution of rolling up a piece of paper and speaking very loudly into it.
3. Kingston Planning Board letter re: Claypond Development Corp. It was originally believed that Claypond's proposed multifamily housing project located in Kingston and East Kingston might pose a regional impact. An RPC meeting has since decided it was not.
4. RPC – Notification that the application procedure for LCHIP grants has changed. The second round of applications will be accepted in September 2001.
5. Letter from Paul Masone of 203 Haverhill Road notifying the board of his intentions to rent out one of his buildings to Jones Boys Insulation.

Noting the presence of Mr. Masone, Chairman Smith asked that he address the board at this time. Mr. Masone stated that he would like to rent out one of his buildings. He then introduced Jeff Wilson, owner of Jones Boys Insulation. At the inquiry of the board, Mr. Wilson described his business as follows:

He installs insulation and gutters and would store such materials in building #3, which measures 60x60-feet. His crew arrives in private vehicles around 6:30 to 7:00 am, load up the company trucks and leave for the day. They return between 3:30 and 4:00 pm. He receives supplies via tractor-trailer trucks three to four times a week, usually around 6:30 am, but he is willing to reschedule the delivery time if this is a problem.

Mr. Masone noted that he would be installing a security gate that would restrict vehicle traffic in and out of his property to his business hours of 6am to 6pm.

Mr. Wilson further explained that his commercial vehicles are vans and pick-up trucks, not diesel.

Ms. Carriel advised the board that they have the authority to waive the site plan review process in this matter as there are no additional building being proposed; this is just a new tenant in an existing facility, and if desired, they could require the tenant to submit a written agreement with the town outlining its specific truck traffic generated by the business. This agreement could be recorded as well.

Mrs. Fillio stated that she would like to see the number of trucks noted in this letter of agreement, as she does not want to see the number increase to thirty tractor-trailer trucks per day.

Mr. Wilson stated that he would submit such a letter, and that during the hot days his crew might come in earlier to beat the heat, and leave for the day earlier.

Fire Chief Mazur stated that an annual inspection of the premises should be required as well.

MOTION: Mrs. Fillio motioned to waive the Site Plan Review procedure for the business of Jones Boys Insulation provided a letter of description be submitted to the board in determining the hours of operation, the number of vehicles in and out of the site per week, types of materials stored (specifically any hazardous ones) and the business must consent to an annual inspection by the Fire Department. Mr. Morse seconded.

DISCUSSION: Mr. Wilson stated that the majority of his employees leave the premises to conduct the work except for some of the sales people and his office staff. The number of employees depends on his business' needs.

Chairman Smith called the vote and the motion carried 5-0.

Julian Dunlop – Carmen's Property Proposal– Discussion: Chairman Smith opened discussion with Julian Dunlop at 7:25 pm regarding the Carmen's restaurant property. Mr. Dunlop distributed a written narrative of a proposal for the property. It was noted that this appointment with Mr. Dunlop was for non-binding discussion and that no abutters have been notified of this meeting.

Ms. Carriel elaborated that the board could talk conceptually with Mr. Dunlop – the intent of the discussion is conceptual in nature.

Chairman Smith stated that he believed Mr. Dunlop was before the board to get an idea of what could be allowed on the property before he brought in professional plans – he probably doesn't want to spend a lot of money on engineering plans if his proposal is not doable.

Mrs. Fillio read into the minutes the written narrative submitted as follows:

The property is situated on a busy intersection where 107 intersects 108. 107 is the main thoroughfare to Interstate 95, which in turn connects with 495. Route 108 runs north and south giving access to Exeter, thus the amount of passing traffic will only increase as the metropolitan area of Boston expands.

The buildings are in my opinion beyond economic repair. I would like to get permission to remove all the buildings and outbuildings and start again. The town could use the existing buildings for a fire drill. If the town sees any historic interest in the buildings, they could be saved. I understand that one of the barns may have been used as a schoolhouse.

There are two options that make economic sense for the town and the owner:

OPTION 1. Diner and two family

Remove the buildings as stated and put up two new buildings (see plan attached). The diner would be repositioned, about 60 ft. further back from the road, in an island of parking and road access front and back. The "drive-through" traffic would pass the rear elevation of the building. The new positions would allow traffic to flow easily in and out. The diner would be open 7 days a week, from 6 am to 8 pm serving: Breakfast, lunch and dinner. Ice cream window during the summer, May 1 through Nov. 1. Take out window for chicken, fries, drinks, etc. Drinks with dinner, beer and wine license if possible.

The amount of seating would depend on town and state approval, currently Carmen's seats 36, in 1250 sq. ft. and we would like to double this. Additional seating outside for use by the drive-through customers and those stopping for ice cream would be provided. Other facilities would include ATM machine, telephones, vending machines, video machines, mailbox for US mail, FedEx, UPS, etc. which would benefit the community.

The plot is "L" shaped and there is enough room to build a two-family home with a long driveway along the western boundary. The two-family home would be a clapboard building and not in view from the road. Each unit approximately 2000 sq. ft., three bedrooms, with garage, deck area, utility and storage room. The house and barn, etc. currently have about 4,000 sq. ft. of space.

OPTION 2. Office units

Remove existing buildings and put up one building easily subdivided into offices (see attached plan). The town does not have any facilities for professional offices, and this location would make an ideal area for affordable business and office units. The benefit to

the town is a greater tax base, an attractive clapboard building, and less traffic in and out. We would like to see the offices rented to: medical services, lawyers, and accountants.

Initially, we see the need for 10 units each about 1,200 sq. ft., with 4 parking slots per office, with an option for further 10 if the need rises. There is plenty of parking space.

Mr. Fillio stated that option number two is a change of use, not a continued use – a variance would be needed.

Mr. Fillio stated that the property is a residential property with a grandfathered commercial use for a diner/restaurant.

Mr. Day noted Article XVIII and stated that it is restrictive to non-conforming uses, specifically item E where it states enlarged or expanded uses or structures are prohibited. He also has difficulty with the two-family dwelling proposal – this property consists of 2.13 acres and a minimum of 3 acres is required to meet the provisions of a duplex. Bulldozing the current buildings, rebuilding in the same footprint, and maybe going up a story would be palatable to him.

Mr. Dunlop responded that his original plan was like that, however, that plan created insurance problems as it proposed a residence over a business.

Members suggested the upstairs be used for something other than a residence. The footprint and use are restricted.

Mr. Dunlop inquired if he could demolish and move the buildings to a better location.

Ms. Carriel stated that that would raise the question of the site being brought into compliance and up to current codes. Article XVIII says that the use cannot be altered for a purpose of in a manner substantially different to which it was before the alteration. Moving buildings is a substantial difference.

Mr. Dunlop replied that it makes more sense to move the buildings back. He needs to accommodate a drive-through and access Routes 107 and 108.

Mr. Fillio asked just how far the board could interpret the change and restructure of the building. The use is grandfathered. It is a nonconforming building. A new building can be built, but it must be built to the current codes, which include setbacks, etc. He stated that he thinks the use can be kept, but the building must be built to current codes.

Ms. Carriel stated that the ordinance says the nonconforming use must be kept in the same manner and intent.

Mr. Fillio stated that it does not specifically say it has to be in the same place.

Ms. Carriel replied that the footprint and the state statutes speaks to it. She then noted a court case of Granite State Minerals v. Town of Portsmouth, where the business tried to add a story to its existing building and was denied as it was considered an expansion.

Mr. Fillio stated that if the current restaurant measures 4,200 sq. ft. and it is demolished and moved back 60 feet and rebuilt to 4,200 sq. ft., it is not an expansion – it is the same size, just in a safer location.

Mr. Dunlop stated that he wants to build something that is non-adversarial and pleasing. He would be willing to demolish the existing restaurant and move the location back and rebuild to the same size.

It was again noted that this was nonbonding discussion and that formal plans must be submitted for the board to consider. The two-family dwelling proposal would be an unacceptable use of the property.

Discussion then transpired on the residential use of the property. Because that use (residential) was a conforming use, it was agreed that the house and barn could be rebuilt to any size anywhere on the property, as long as it met current codes. The restaurant is restricted to the current footprint.

Mr. Dunlop asked if the board would consider allowing him to move the restaurant back from the road. Mr. Day stated that he could not.

Atty. John Ratigan, who was present for another case, stated that he has given law lectures on this topic and that most zoning ordinance state that legal nonconforming uses may be modified to be less ofensive then their current status. In this case of it being so close to the road, he believes the ordinance permits the building to be moved to a safer location. He does not know of a state law that wants uses to be less conforming.

Mr. Fillio stated that if the current setback it more, then the new building would have to comply with it anyway – he sees no problem moving the restaurant’s location back away from the road.

Fire Chief Mazur stated that the egress and exits to that property may be a safety hazard – it would be a good idea to apply for another driveway permit from the NHDOT to address any of those issues. He stated that he too believes that moving the restaurant back from the road would improve the lot.

Discussion on a time frame on the removal of nonconforming buildings transpired. The ordinance states that the rebuilding of nonconforming buildings must begin construction within one year of its demolition/destruction. Mr. Dunlop was directed to contact the Historical Committee regarding portions of the existing buildings that may have some historical value.

The Residents of Maplevale, 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. Both Chairman Smith and Mr. Morse stepped away from the board table and recused themselves from participating in the voting process of this case.

Mrs. Fillio opened the public hearing at 7:56 p.m. for The Residents of Maplevale, LLC. She announced that this meeting was a continuation from the July 19, 2001 meeting. She also stated that she hoped the board could move forward this meeting and invoke jurisdiction on the application. She explained that invoking jurisdiction does not approve the subdivision proposal; it just begins the statutorial process for formal consideration of the proposal. She then asked that any persons wishing to speak must provide their names and addresses for the record.

Mr. Fillio noted that the applicant has three current applications before the board: The Residents of Maplevale– subdivision proposal, Maplevale Woods – 1st elderly housing proposal for lot #24, and Maplevale Farms – 2nd elderly housing proposal for lot #25. He asked that the references to each of these proposals be clear during this meeting.

Professional Engineer Joe Coronati, from Jones and Beach Engineering presented the proposal. He noted both Jeffery Hirsch, Trustee of The Residents of Maplevale, and Atty. John Ratigan were present as well to address any questions. Mr. Coronati stated that he submitted revised plans last week in response to the comments provided by RPC Senior Planner, Maura Carriel. He reviewed each comment as follows:

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

This information has been added to sheets A1 and A2.

2. Plans are missing existing and proposed driveways. (Sub. Regs. Section IV.E)

All existing and approximate locations for proposed driveways have been shown, though they cannot be held to those exact approximate 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)

Thirty-five test pits were dug today; they are close to having two on each lot completed. Scheduling conflicts were noted.

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.

Building setbacks are shown on sheet A1 and A2 and the building and septic setbacks are shown on C4 and C5. The 4K area on lot #9 has been moved and is not longer within the septic setback.

Ms. Carriel noted that the plans show a 10-foot setback for septic when in fact the regulations require 20 feet.

5. 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.

The buildings to remain on the property and those to be removed are clarified on the plan, with all remaining buildings meeting setback requirements.

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

The lots have been renumbered to meet the tax assessors numbering system.

Additional comments submitted by Ms. Carriel and responses by Joe Coronati as follows:

1. Lot numbering should be checked by the Town.

The lots have been renumbered to the Town of East Kingston Tax Maps.

2. The plans identify both The Residents of Maplevale and Bruce and Judith Levis as owners. If the Residents of Maplevale, LLC is not the current owner, that reference should be removed.

The Residents of Maplevale, LLC are the owners of record and applicant and the plans show this accordingly

3. The plans identify the East Kingston Community United Methodist Church as an owner of record, but do not include the map, block and lots numbers of the subject lot.

The plans now show the tax map information under owner of record instead of in the project parcel location.

4. Lot #25 needs to be reconfigured. Not only does the configuration of the lot not serve the best interests of future owners of that lot as well as abutting lots, but there is effectively no access to the back portion of the lot due to wetlands.

Lot #25 has been reconfigured to a more conventional shape and size. They eliminated one of the single-family lots and added that acreage to lots #37 and 47 and then will provide a conservation and well easement even though one was not asked for.

5. Recheck Hydric A soil area calculation for Lot #12 on Sheet A2. If the information provided is correct, the lot doesn't meet the zoning requirements of a minimum 2-acre lot.

Lot #12 has been increased in size from 2.01 acres to 7.25 acres with a majority of the lot in conservation. The lot was too wet but now it meets regulations.

6. One HISS code is missing on Lot #24.

The HISS code has been added to the plans.

7. One additional granite bound should be provided along the roadway on Lot 17. In addition, an additional bound should be set on the boundary of Lot 24 at the northernmost corner of Map 9, Block 6, Lot 4 (Town of East Kingston).

The granite bounds have been shown as required.

8. For the lot line adjustment between M8 B2 L7 and M9 B6 L3, the existing lot line to be abandoned and the new lot line should be clearly labeled.

The area on the plan is congested, so there is a note off to the side that says "Lot Lines L10, L9 and L8 to be abandoned". These are the lot lines along the stonewall that formerly divide the property.

9. The legend on Sheets A1 and A2 reference granite bounds "TO BE SET". These references should be removed from the final plan, with the exception of bounds that will be set after roadway construction is completed. If all bounds are to be set after roadway construction, the legend should be noted as such, and the cost of setting bonds included in the performance security.

The rear bounds will be set after subdivision approval and the front bounds will be set after the roadway is constructed. Typically the plans are recorded prior to the any of the bounds being set and the cost to install is bonded by the developer.

10. The plans should include cut and fill calculations.

A construction cost estimate will be done to determine the bond amount, which will show the cut and fill calculations.

11. The proposed subdivision abuts several large undeveloped parcels. The Board should consider the opportunity to provide for a roadway connection to any future development on those parcels, to accommodate prospective traffic, maximize the cost efficiency of snow removal, roadway maintenance, school bus routing, delivery services, sanitation pick-up, as well as to coordinate roads so as to compose a convenient transportation system.

It is the feeling of the applicant and engineer that all the abutting properties have adequate access from existing roads. They would like to see what the board has to say about this.

12. The Board should discuss whether to require sidewalks within the subdivision.
13. The Board will need to review any comments received from the Conservation Commission, Police and Fire Departments.
14. The plans will need to be reviewed by the town engineer prior to final Board approval.
15. The final plan set will need NH licensed Soil Scientist and Certified Wetland Scientist stamps.
16. NHDES Subdivision, NHDES Site Specific, NHDES Wetlands and NHDOT driveway permit numbers should be added to the plan before final Board approval.

No response was given for items 12 – 16. Mr. Coronati stated that he feels at this time enough of the submission requirements have been met for the board to invoke jurisdiction on the plan.

Ms. Carriel stated that she received the revised plans and had some comments regarding them.

1. Test pits and perc tests are still not completed. However, it is her understanding that this was due to scheduling problems with the town.
2. Conservation Commission Chairman Larry Smith indicates that Site Specific Soil Survey should be used not High Intensity Soil Survey.

Mr. Coronati stated that he has contacted their soil scientist and will convert the soil data.

3. Setbacks for septic systems to the property lines are required to be 20 feet. This plan shows them at 10 feet.
4. All fire suppression requirements will be deferred to the Fire Chief.

Fire Chief Mazur stated that he met with the applicants on Tuesday. Specific requirements were discussed and agreed upon, however this is an ongoing review. The Tuesday meeting was not a final review of the plan.

Mr. Day asked Mr. Coronati to describe the water supply system.

Mr. Coronati stated that the plans show two wells and a waterline along the roadway through both elderly housing developments (lots #24 & 25). They will continue to review the water supply plan as they may use the wells to provide fire suppression to the entire site as well. The system would have two 25,000-gallon storage tanks with one devoted to the homes and the other devoted to fire suppression. The water would be pressurized by pumps to the homes and fire hydrants throughout the entire parcel, with all flow requirements, and spacing requirements (1,200 feet) met.

Fire Chief Mazur added that this proposed system meets all state and local regulations.

Mr. Coronati stated that this fire suppression system would also service the commercial areas outside the subdivision (i.e. town offices, store, church, surrounding homes). This would be provided at no cost to the town.

Concern regarding the legalities of using the fire suppression system for outside the subdivision was raised. Fire Chief Mazur stated that a written agreement would be executed and signed by the developer, the Selectmen and the Fire Department that would allow the town unrestricted use of the fire suppression system.

Mrs. Fillio stated she would now entertain a motion to accept jurisdiction on this subdivision application.

Mr. Fillio stated that Ms. Carriel indicated the application was still not complete. The Fire Department has not completed its review.

Fire Chief Mazur stated that his review would be an ongoing review.

Ms. Carriel advised that it was up to the board to determine if enough information has been submitted to begin formal consideration of the plan. Other issues may be brought up as necessary as the board continues its review process.

Mrs. Fillio reiterated that taking jurisdiction does not approve the plan.

Ms. Carriel added that once formal consideration has begun then other issues could still be raised and addressed.

MOTION: Mr. Fillio motioned to invoke jurisdiction on the subdivision plan to divide a 110-acre parcel into 26 lots submitted by the Residents of Maplevale for property located at 14 Depot Road, MBL# 8-2-7. Dr. Marston seconded.

DISCUSSION: Items missing are completed fire department review, completion of all test pits, and placement of septic systems (from 10 feet to 20 feet from boundary lines). The board can still make adjustments to the plans as necessary.

Mrs. Fillio polled the board resulting with the following votes. In favor of the motion to invoke jurisdiction:

Mr. Fillio – in favor
Dr. Marston – in favor

Mrs. Fillio – in favor
Mr. Day – in favor

The motion carried 4-0. Mr. Morse and Chairman Smith did not participate.

Mrs. Fillio then opened the meeting to comments and concerns from abutters and the public.

Matt Davis of 1 Main Street stated that at the last meeting Mr. Coronati promised him a copy of the drainage report. He has not received one to this date. He said he has concerns about the flowage of water onto his property. The recording secretary provided a copy of the report to him.

Mr. Coronati asked if the plans would now be forwarded to the Town Engineer and Town department heads for their review. The board indicated that they would.

Ron Morales of South Road inquired if the remaining conventional housing lots in this subdivision were subject to the Growth Control Ordinance. The response was affirmative.

There being no other public comments, Ms. Carriel stated that she wished to raise a few issues for the board's consideration:

1. She stated that she accompanied the Conservation Commission on their site walk the previous evening, and would like to point out the option of cluster development that would promote the preservation of the property including the orchards and blueberry patches.
2. The connections to the abutting properties – specifically the large parcels owned by Quintal, Morse, and Smith, and providing road access to those parcels. It was noted that the Morse subdivision has been conditionally approved, but that no roadway connection to the Maplevale property was required.

3. The amount of wetlands on the site and potential impact. She questioned whether the Conservation Commission might request an inventory of the wildlife/habitat.
4. Possible requirement of sidewalks within the entire development.

She stated that she would continue to conduct subsequent reviews of the plans as its changes.

Mr. Fillio asked Mr. Coronati to explain his position of supplying road access to the abutting properties. Mr. Coronati replied that he wants to see what the board wants.

Dennis Quintal, representing the estate of his mother, stated that his mother's parcel is landlocked and with the train's service changing in the near future, crossing at the tracks would become hazardous. Though he does not have plans to develop this property now, a safe access should still be provided to it.

He suggested the board and applicant work with the Master Plan to connect future roads with Sanborn Road as well – long-term planning that would be in the best interest of the town.

Mrs. Fillio raised her concern over the current NHDOT driveway permit, which was for 58 units total. Since approval was granted by the state, the number of units has increased to 78. She questioned what impact this would have on the validation of the permit. The number of vehicles entering and exiting the development could be from 78 to 140-plus vehicles daily.

Mr. Coronati stated that he would update the NHDOT with the new numbers. He said the permits are not based on the amount of traffic generated but on the sight distance and deceleration lane design.

Mrs. Fillio stated that a study on the police and highway impact should be conducted. She stated that she resides on this road and the number of vehicles traveling on it has increased over the years. This subdivision could generate an increase in vehicular traffic by 140 vehicles per day – just for the people living in the development. This number does not include the cleaning lady, the Sears truck, etc. At the last meeting Mr. Hirsch indicated the residents of the elderly housing developments would be "active" residents, thus increased traffic is expected. This board has the responsibility to address the type of impact this will have on the town – it should be addressed now not after the development is done.

Mr. Day continued to say that he would like to request that a formal traffic study be conducted as such numbers are needed to calculate impact fees and other anticipated needs of the police and fire departments.

Atty. Ratigan stated that those types of impacts can only be applied if the town has an impact fee ordinance in place. If the town does not have an impact fee ordinance, it cannot apply such fees and studies to a development.

Mr. Day replied that impact fees can be applied to all lots of record, however, he is not speaking to impacts fees here, he is concerned with the Town's present needs.

Mrs. Fillio added that the Town of East Kingston is a small town and this type of development could have a huge impact on it and its services. The board has the right to know what the added impact would be.

Atty. Ratigan agreed that a study could be done on the traffic impact.

Mrs. Fillio stated that it is only common sense with the number of units proposed that there will be difference in the traffic on that road – that must be measured to determine if additional improvements are needed.

Eva Smith of 129 Sanborn stated that years ago when the town was planning on building a new school, the Levis property was considered; however it was determined that the road access (as proposed next to the church and the Town Offices) was too dangerous. They were told that the corner by the church was the most dangerous corner in town. The board should consider researching the road's danger status.

Fire Chief Mazur stated that accessing the backlots as previously discussed would benefit the fire department, as with the new rail service, the chance of incidents is greater. As it is now, there is no access to that portion of tracks because of the wetlands.

Mr. Coronati stated that there is a right-of-way behind Jewett's store – a narrow strip of access.

Fire Chief Mazur replied that that strip is too wet— they cannot put a fire apparatus down there as it would sink.

Atty. Ratigan suggested a future right-of-way be noted on the plan. If the Quintal's want to build on their land, they can buy the right-of-way at a later date. They can set this right-of-way aside, but not deed it to the town as they need to be sure the land can be developed later.

Ms. Carriel asked if more than one access point was required for the Smith and Quintal properties.

Mr. Fillio stated that even if an access is provided, the landowner is not obligated to allow it onto his property.

Mr. Day stated that an easement could be made for future development. Regarding the nature of the road itself, he asked who would be responsible for the upkeep and maintenance of this private road? If it were to be handled by a homeowner's association, he wanted to see a covenant with "some teeth". He noted problems with his own covenant.

Mr. Coronati stated that the main road would be a public road and the private road on the lots would be similar to a condo association system. Fees would be collected and this association would act like a small government handling the road maintenance, garbage disposal, etc. issues. Furthermore, the garbage collection design would provide that each unit be outfitted with an enclosure on the outside of each building with access from within the home and outside the home, where garbage would be stored. Trash collectors would then go to each unit and remove the trash individually — nothing would be set out at the curb.

Atty. Ratigan stated that the covenants would be submitted to the board for approval. More concern over the powers and authority of a covenant were voiced. Deed restrictions would be used to address some of those concerns.

Mr. Fillio stated that he thinks a traffic study is a good idea. Much of this information can be obtained from the state as traffic counts have been done on this road over the years.

Mrs. Filio suggested the board consider holding a work session on this application to work out some of the details in time for the next meeting. This work session would be open to the public for viewing, but not for input. Public input would be accepted at the next public hearing on September 20th. This work session would cover issues discussed tonight. Plans would also be forwarded to department heads and the Town Engineer for their review. A work session was scheduled for Thursday, September 6, 2001 at 7 pm at the Town Hall.

MOTION: Mr. Day motioned to continue the public hearing for The Residents of Maplevale, LLC's 26-lot subdivision proposal for MBL# 8-2-7's to Thursday, September 20, 2001 at 7:30 pm. Mr. Fillio seconded. With no further discussion, the motion carried 4-0 (Mr. Morse and Chairman Smith did not participate).

Maplevale Woods— Site Plan Review – Elderly Housing – Public Hearing: Noting again that Mrs. Filio would chair this public hearing as Chairman Smith and David Morse were abutters to the property, Mrs. Filio directed Mr. Coronati to present the plan for an elderly housing development— this hearing is a continuation from the July 19, 2001 hearing. The time was 8:54 pm.

Mr. Coronati stated that this elderly housing development is for lot #24 (proposed MBL# 8-2-7) — two elderly housing developments are proposed: Maplevale Woods and Maplevale Farms — this proposal at hand is Maplevale Woods. He then addressed the comments submitted by RPC Senior Planner Maura Carriel as a result of her review of the plan as follows:

1. Name, license number and seal of a licensed land surveyor.

The licensed land surveyor has a certification block on the A1 and A2 plans. These plans have been stamped and his name and license number are included.

2. Names of all abutters keyed to the plan.

The abutters to this site are mostly proposed lots owned by the Residents of Maplevale, LLC and the Town Office building. They have been labeled on the C2 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.

Additional test pits were scheduled for today. The test pits on the lots have all been passing, it is expected additional pits will also pass.

4. Proposed location of community well(s).

The proposed location of the community wells has been shown on the plan C5 of the Subdivision plans.

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.

The building setback is shown on sheet C2 and the septic setback is shown on sheet C3. We have shown both setbacks on both sheets to clarify. Again it was noted that the setback is 20 feet from the boundary line, not 10 feet.

6. Elevation view of all buildings indicating their height, bulk and surface treatment.

Elevations were submitted of a Spring Valley and a Collins Falls model. These elevations show one-story ranches with brick or wood siding. Ranches typically range from 14 feet to 20 feet in height and all structures will have equal to or less than 1,500 square feet of livable area. Floor plans will be submitted for Town review prior to issuance of building permits.

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.

There will be community trash collection for all the units. There will be no dumpsters on site.

8. Proposed contours and finished grade elevations.

The units have been graded with proposed contours and finish slab elevations. What is shown on the plan is close to the design. It was noted that some elevations showed garages and that the applicant was not sure yet as to the exact floor design of each unit.

9. Type, extent and location of existing and proposed landscaping.

The landscaping has been sent out to a landscape architect and will be submitted as soon as received. This project will be landscaped adequately to enhance the units. The applicant is proposing an island in the roadway, which will have a sign, maple trees and other landscaping. The next set of plans will have the landscaping in place with flexibility of the homeowner.

10. The location, size and design of any proposed signs.

The proposed signs have not been designed at this time. They are proposing signage at both entrances into the development.

11. The location and type of lighting for any outdoor facilities.

The outdoor street lighting along the roadway has been shown along with a lamp at the community center. Decorative types of lamps are being considered – possibly 15 ft. small narrow with candle.

Mr. Coronati inquired as to the board's feelings on street lighting. The proposed houses would be 20 to 25 feet from the road thus each house's outside lights would cast light into the street. To be discussed more at the work session.

12. Pedestrian access within the development and, to the extent possible, to off-site community facilities.

The roadway will be 24 feet wide for the majority of the road, which will allow pedestrian access around the site. A walking trail has been proposed on the other elderly housing development. The 24-foot wide road would be narrowed to 20 feet wide through the wetlands for minimum wetland impact. This would also be discussed at the work session.

Additional comments submitted by Ms. Carriel and addressed by Mr. Coronati:

1. The plans identify both The Residents of Maplevale and Bruce & Judith Levis as owners. If The Residents of Maplevale, L.L.C. is not a current owner, that reference should be removed.

The Residents of Maplevale are owners of record and applicant and the plans show this accordingly.

2. One HISS code is missing on the proposed site.

The HISS code has been added to the plans.

3. The Board will need to review any comments received from the Conservation Commission, Police and Fire Departments.
4. The plans will need to be reviewed by the town engineer prior to final Board approval.
5. The final plan set will need NH licensed Soil Scientist and Certified Wetland Scientist stamps.
6. NHDES Wetlands NHDES WS & PCD permit numbers should be added to the plan before final Board approval.

Items 3-6 require no response.

Mr. Day asked why the sheet C3 shows a road design with no houses. He questioned why the road was designed that way if there were no houses on it – why impact the wetland if you don't have to?

Mr. Coronati replied that a cul-de-sac design would make the road wider and this design allows better access to the homes on the other side without going on the public road. It gives it a community feeling. This would be given further attention at the work session scheduled for September 6th.

Mr. Coronati continued to say that they added visitor parking spaces on sheet C3 (6-7 spaces on each side) to accommodate more cars. Wider driveways were also designed that would allow each home to park two cars in the garage and two in the driveway. He said that because the town prefers elderly housing over conventional housing, the two lots located in front of the elderly housing development would also be combined into the elderly housing development. They would have two 4-unit buildings on those two locations. It was noted that this issue is for consideration after the board invokes jurisdiction.

Fire Chief Mazur stated that any building containing over two units must go by a different, stricter fire code.

Members then requested Mr. Coronati color code the map to clarify each development for the next meeting. Mr. Fillio stated that he has to have a clear understanding of each proposal, as he would not approve anything he did not understand.

Ms. Carriel stated that there were still some items missing from the checklist for a completed application:

1. Landscaping design
2. Pedestrian access required under the zoning – sidewalks? Facilities?
3. Sign design, size and location

Mr. Coronati stated that they know the location, just not the size and design.

4. Test pits and perc tests are not complete
5. Elevations

She asked if the board felt that adequate information had been submitted to meet the requirements of a complete application.

Mr. Day stated that although a lot of work and progress has been done since the last meeting, he is not ready to take jurisdiction on this application yet.

Mr. Coronati stated that the items noted could be taken care of later. He stated that he wanted to get the plans out for fire department and town engineer review as this could affect the landscaping design.

Mrs. Fillio stated that she wanted more in place before moving forward.

Mr. Day stated that good ideas came up tonight but the plans are still not ready for the town to accept jurisdiction.

Atty. Ratigan noted that a work session was scheduled on the subdivision proposal and since the two lots of the subdivision were taken out of the conventional subdivision and placed in elderly housing, and since the same road services all three projects, it would be good to be on the same level as the subdivision. In order to discuss this elderly housing development within the same level as the subdivision they need to invoke jurisdiction.

Mrs. Fillio stated again that she is not ready to take jurisdiction on the second plan.

Mr. Day added that he does not feel it is complete.

Atty. Ratigan stated that technically it is not complete; it is 90% complete with easy corrections to be made. If jurisdiction is taken now, then they can have a better review of the plan at the work session.

Mrs. Fillio replied that they will look at the second plan at the work session, but they will not accept jurisdiction on it tonight.

MOTION: Mr. Day motioned to continue the public hearing for site plan review of the elderly housing development proposal for Maplevale Woods, MBL# 8-2-7's proposed lot #24 to Thursday, September 20, 2001 at 8:00 pm. Mr. Fillio seconded. With no further discussion, the motion carried 4-0 (Mr. Morse and Chairman Smith did not participate).

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

Wayne Ewald – 3-lot Subdivision – Public Hearing: Chairman Smith opened the public hearing at 9:23 pm on Wayne Ewald's proposal to subdivide 33 acres into 3 lots located at 2 North Road, MBL# 14-3-7. Professional Engineer Walter Zwearcan made presentations for Mr. Ewald who was also present.

Mr. Zwearcan presented revised plans for the board to review. These revisions were a result of Ms. Carriel's earlier review of the proposal and her findings. He stated that this plan proposes to subdivide a 33-acre parcel into three lots with onsite septic and wells. He went on to explain that an earlier subdivision plan was approved, recorded and rescinded for this parcel. The driveway plan designed by Emmanuel Engineering in Stratham was recorded at the Registry of Deeds.

Members reviewed the plan and voiced their concern with the placement of the proposed common driveway and the NHDOT's approval of it. They couldn't believe the State would approve such a location on the "s" curves on East Road, one of the most dangerous roads in the area. Not only is the road poorly banked, but also it has been the scene of many accidents.

Though it was noted the Subdivision Regulations stipulate each lot must have its own driveway, it was also noted that the State wouldn't give out single driveways in cases like this. They recalled the driveway permits assigned to the Rosenberg property subdivision – common driveways.

Further review of the driveway design prompted Mr. Day to state that the responsibility of keeping the sight distance relies on the owner of lot #1.

Mr. Zwearcan replied that if the lot #1 property owner does not keep the sight distance clear, it is a matter for the State to address.

Mr. Day stated that the board should question the State's actions in this matter. He suggested drafting a letter expressing the board's concern with the placement of this driveway and to ask for the State's reasoning in issuing a permit for it.

Mark Durkee of 7 Rowell Road asked if the State recommended mirrors and/or signs indicating it is a blind driveway.

Mr. Zwearcan stated that there is a sight line easement to keep the line clear. They have sight distance from the west but not from the east – the trees need to be cleared.

Chairman Smith noted that an acceleration lane was designed – 8 feet wide to accommodate cars getting out of the driveway.

Mr. Ewald stated that he called Dig Safe and was told there was no gas line on the property when he saw the gas line go in. He said that Dig Safe gave him the wrong information.

The board then reviewed the comments submitted by Ms. Carriel regarding her review of the subdivision plan.

1. Boundary information including bearings and lengths should be provided for the entire subdivision. Original and proposed lot areas for the parent parcel and resulting three lots should be provided in both acres and square feet. Lots should be numbered according to the numbering system of the East Kingston Tax Maps.

Mr. Zwearcan explained that a notation was placed on the plan referencing a surveyed plan that was recorded at the Registry – plan # D-20787, which was recorded to supersede the subdivision plan that was approved, recorded and rescinded. The argument was that the applicant did not want to pay for another survey of the property for this subdivision plan – he wanted to reference a survey plan already recorded. Members were not sure this was allowable.

Ms. Carriel stated that in the case of large 200+ acre parcels, boards have allowed this, but this was only a 33-acre parcel. She went on to say that she researched East Kingston subdivision files to see if it was the practice of the board to waive this requirement. She could not find any cases that waived it.

Mrs. Fillio stated that this requirement should be done right so it won't be more difficult later – this could be a surveyor's nightmare to research this parcel when information is recorded on different plans in different years.

Mr. Zwearcan stated that he did not do the survey, thus he cannot stamp the plans with all the measurements.

Mr. Fillio stated that showing all the boundaries and their bearing is a requirement set for all subdivision, this one should not be an exception.

Mrs. Fillio added that she wants to see the bounds on the entire parcel. It needs to be done right.

Fire Chief Mazur stated that the distance from the house to the fire hydrant must also be met. This plan must adhere to the current standards of 1,200 feet from the dwelling to the firewater source. When questioned by Mr. Ewald about the fire suppression requirements of the Grant house next door, Fire Chief Mazur stated that the Grant house was built prior to the current code of 1,200 feet.

Mr. Ewald asked how he could sell his lot as he can't tell the next owner where to place the house.

Members replied that in order for the landowner to obtain a building permit, he must show that all the setbacks and codes can be met, including fire suppression codes. Until that time, the plans must show a location of a house that meets all codes, to ensure that it can be done.

Discussion was then redirected back to the certification of the bounds and bearings. Mr. Fillio asked if the board would accept a reference to the surveyed plan already recorded on the subdivision plan with certification noted for each surveyor's work. Ms. Carriel stated that that would be acceptable to her.

As far as the town assessment numbers, they still needed to be added to the plan. They must be obtained from the Selectmen's office.

2. Building setbacks and other zoning requirements should be added to the plan.

Members stated that they wanted to see the setbacks shown on the plan, not just a notation.

3. The location of all easements should be shown on the plan.

Only one easement was acknowledged – the driveway sight distance easement. The slope can be noted in a notation.

Mr. Zwearcan stated he can't draw the easement in as it is already shown on the driveway plan recorded earlier.

Members stated that it must be shown on the plan regardless of whether or not it is already on another plan. They expressed their concern that this plan as presented would have surveyors chasing the necessary information that should be on this plan on other plans recorded at earlier dates. This is not acceptable by the board.

4. The shared driveway and potential house locations should be shown on the plan.

This has been done.

5. The material received by Ms. Carriel did not include a drainage report.

Mr. Zwearcan stated that he did not feel one was required as there are no wetlands on the two new parcels. He submitted a technical report from Gove Environmental Services, Inc. who certified there are no wetlands on lots 1 and 2 of the proposed plan.

6. The plans do not meet the Town's requirement for delineation of wetlands and surface waters and soil information.
7. The plans have not been reviewed to determine whether fire protection provisions have been met.

MOTION: Mrs. Fillio motioned to continue the public hearing for Wayne Ewald's 3-lot subdivision proposal for MBL# 14-3-7 to September 20, 2001 at 8:30 pm. Mr. Morse seconded. With no further discussion, the motion carried 5-0.

Members noted that too many items were deficient to accept jurisdiction at this time. Mr. Zwearcan was contacted prior to the meeting in an effort to get the items addressed.

Obviously frustrated, Mr. Ewald left the meeting stating that they might as well wait until Christmas.

Members responded again that too many items were missing from the application to move forward and it would be best to get those items addressed in time for the next meeting. Mr. Zwearcan was advised to contact Ms. Carriel or the recording secretary for questions about the outstanding items (1. building setbacks drawn on the plan, 2. sight distant easement for the driveway drawn on the plan, 3. drainage plan required (?), 4. fire protection provisions met, and 5. soil information).

Maplevale Farms— Elderly Housing Development— Public Hearing: Stepping down from the table and recusing himself and Mr. Morse as they are abutters to the upcoming proposal, Chairman Smith turned the meeting over the Vice Chairman Mrs. Fillo. Mrs. Fillo opened the public hearing at 10:00 pm for The Residents of Maplevale, LLC's site plan review proposal to construct a second elderly housing development on developer's lot# 25 (MBL# 8-2-46). Again Mr. Coronati would present the proposal on behalf of Trustee Jeffery Hirsch.

Mr. Coronati explained the this second elderly housing development proposed by his client is identified as Maplevale Farms and consists of 34 units— 16 units in duplexes and the remaining 18 in single-family dwellings, all on a private road. Some of the buildings will have walkout basements. The development would be serviced by community water and community septic systems— up to three units per septic system. Underground electric service would be installed. He stated that the drainage report has already been completed and was submitted with the application.

He went on to say that the planning profiles show the grades— the same as the Maplevale Woods project except this one would have some duplexes.

Ms. Carriel submitted her comments of the plans as presented and recommended the board not accept the application as complete. Items to be addressed were as follows:

1. The plans are missing the name, license number and seal of a licensed land surveyor.
2. Plans are missing names of all abutters keyed into the plan.
3. Plans are missing test pit and perc test information for the individual septic systems.
4. The plans are missing the proposed locations of community well(s).
5. The plans are missing elevation views of all building indicating their height, bulk and surface treatment.
6. Plans are missing type and location of solid waste disposal facilities.
7. Plans are missing type, extent and location of existing and proposed landscaping.
8. Plans are missing location, size and design of any proposed signs.
9. Plans are missing location and type of lighting of any outdoor facilities.
10. Plans are missing pedestrian access within the development and, to the extent possible, to off-site community facilities.
11. In addition, the development does not meet the zoning requirement of a 35-foot separation between buildings.

Mr. Coronati stated that he would write a response to each of these items for the work session. He noted that the 35-foot building separation requirement was unintentional in their design.

Mrs. Fillio stated that it seemed many of the same items were missing from this plan as the earlier ones. She thought these should have been addressed before this meeting, as they knew from the first submission these very items would be required.

Mr. Coronati replied that there was not much time between the first submission and the second one. He would bring revised plans to the work session.

MOTION: Mr. Fillio motioned to continue the public hearing for site plan review of the elderly housing development proposal for Maplevale Farms, MBL# 8-2-7's proposed lot #25 to Thursday, September 20, 2001 at 9:00 pm. Dr. Marston seconded. With no further discussion, the motion carried 4-0 (Mr. Morse and Chairman Smith did not participate).

This proposal would be discussed at the work session, with the public hearing portion continued at the next regular meeting.

Planning Board Minutes: The board reviewed minutes dated July 19, 2001. Corrections were noted.

MOTION: Mrs. Fillio motioned to approve the Planning Board minutes dated July 19, 2001 as corrected. Mr. Fillio seconded. With no further discussion, the motion carried 5-0 (Mr. Day abstained).

Zoning and Subdivision Amendments: At 10:11 pm Chairman Smith resumed his position chairing the meeting and opened discussion to proposed Zoning and Subdivision amendments. The first amendment proposed at the last meeting concerned adopting a timeframe for conforming buildings to be rebuilt before they were subject to the Growth Control Ordinance as follows:

Amend Zoning Ordinance ARTICLE III-Z – Growth Control by adding the following sentence at the end of Section D.1 (added text in bold);

D. Allocation of Permits

- 1. This Article applies to building permits for new dwellings. Building permits for non-dwelling construction or for expansion, alteration or replacement of existing dwellings will not be affected by this article. **In the event of damage, destruction or demolition of any building, said building may be rebuilt provided construction is started within two (2) years of its damage, destruction or demolition or it will need to comply with the Growth Control Ordinance.***

At the last meeting it was agreed that new language should be added to the end of the Growth Control Ordinance, however, Mr. Day who was not present at that meeting disagreed and thought that it (the amendment) should stand on its own. He stated that if the Growth Control Ordinance were amended or revoked, they would lose the amended language governing the rebuilding of conforming buildings.

Members agreed to rethink this amendment's placement within the Zoning Ordinance and discuss it at the next meeting.

Other amendments included ones to the fire protection/suppression specifications throughout the Subdivision Regulations as recommended by the Fire Department at the last meeting. They were:

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 long 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 ~~4000~~ **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 ~~4000~~ **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.***

MOTION: Mrs. Fillio motioned to hold a public hearing on Thursday, September 20, 2001 at 7:15 pm on the above nine proposed amendments to the Subdivision Regulations as recommended by the Fire Department. Mr. Morse seconded. With no further discussion, the motion carried 5-0 (Mr. Day abstained).

Mrs. Fillio stated that she would like the board to respond to the Board of Selectmen or the State regarding the driveway permit issued in Wayne Ewald's subdivision proposal.

Mr. Day stated that he was under the impression that the proposal for Claypond Development Corp. was deemed a regional impact. Further research of the matter resulted in the opposite finding.

Other amendments to be discussed but tabled at this time due the late hour were:

1. Residency restrictions for elderly housing.
2. Lot line adjustment provisions for the Subdivision Regs.
3. Waiver language for Subdivision Regs.

With no further business,

MOTION: Dr. Marston motioned to adjourn. Mr. Filio seconded. With no further discussion, the motion carried 5-0 and this August 16, 2001 Planning Board meeting ended at 10:35 p.m.

Respectfully submitted, *A A A*

Catherine Belcher, Secretary

Minutes completed and on file August 21, 2001.

Approved: _____

9/26/01