



7
PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2007-2008
James Roby Day, Jr., Chairman
Catherine Ellen Belcher, Vice Chairman

MINUTES
(Regular Meeting of 16 August 2007)

AGENDA:

- 7:00PM - **Board Business**
- 7:15PM – **Library Trustees discussion of 2007 CIP**
- 7:30PM – **Master Plan Agriculture Chapter work session**
- 8:00PM – **Continued Board Business**
- 8:01PM - **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

ROLL CALL: Mrs. White called the roll.

Members present –Mrs. CE Belcher, Vice-Chairman; Mr. R Caron, ex-officio, Mr. JR Day, Chairman; Dr. RA Marston; and Mr. RA Smith.

Alternate members present –Mr. EA Lloyd, Mr. RF Morales, Mr. D Sullivan.

Advisors present –Mr. RR Donald, Building Inspector

Mr. Day noted that the following advisors were absent from tonight's meeting:

- Fire Chief Mazur had a conflicting meeting.
- Mr. Eric S. Steltzer, Planner, Rockingham Planning Commission (RPC) was recovering from knee surgery.
- Mr. LK Smith, Conservation Commission Chairman was on vacation.

Voting members –Chairman Day appointed Mr. Morales as a voting member for this meeting.

BOARD BUSINESS

Mr. Day welcomed Mr. Lloyd back after his leave of absence.

Minutes. Mr. Day entertained a motion to approve the 31 July 07 minutes. Changes to the minutes were submitted by Mrs. Belcher, Mr. Day, and Mr. Steltzer.

MOTION: Mrs. Belcher **MOVED** the Planning Board approve the 31 July 07 minutes with the changes offered. Mr. Caron seconded, and the motion passed unanimously.

Mr. Day went over the handouts to the Board.

A letter from Glenn Greenwood, RPC regarding the Targeted Block Grant (TBG). In light of the fact that the total amount budgeted by the Planning Board toward updating the TBG was \$800 and the RPC's initial estimate was so much higher than the budget amount (\$2,500), Mr. Greenwood had revisited the estimate. He had ascertained that since the Planning Board had provided the work for the tables and eliminated the need for those hours of work on the RPC's part, the RPC had submitted a new estimate of \$1,600. The Planning Board's portion would be half of that amount, or \$800. The Board agreed to have the RPC update the rest of the CIP for \$800.

Mr. Caron enquired who was included in updating SAU 16 information. Mr. Day explained that all the schools were lumped together in the SAU 16, and that the Planning Board split it out for their tables. Mr. Caron asked why East Kingston should pay the entire amount; could they not get half from the Elementary School?

Mr. Day stated he did was not sure it was even worth thinking about since the amount of money they were talking about was only \$400, but he would investigate it further.

Law Lecture Series. Mr. Day drew the Board's attention to the Law Lecture Series flyer he had handed out. Lecture topics include: "*Land Use Law Update*", "*Uncommon Ground: Working Together to Achieve Conservation and Development Goals*", and "*Legal Issues for Land Use Board Members*". Mr. Day encouraged all who were interested to contact him and he would sign them up. There was a significant savings to signing up for all three lectures as opposed to only one or two. It appears that the Portsmouth High School is the closest and most convenient place the lectures are being held, and dates are October 17th, 24th, and 31st.

OEP Conference. We finally have an agenda for the OEP Conference on October 13. Again, if you would like to attend, let Mr. Day know and he will be sure to sign you up.

Town Counsel Change. Mr. Day announced that Upton & Hatfield, LLP out of Portsmouth was now the new Town Counsel for East Kingston, and that Pierce Atwood would no longer represent the Town. Both of the two people who would be working with the Town had many years of municipal experience. Mr. Caron stated that the Board of Selectmen had been thinking of changing counsel, and that the announcement from Pierce Atwood that they were getting too busy to represent the Town just happened to coincide with their decision to change firms.

LIBRARY TRUSTEES DISCUSSION AND UPDATE OF THE 2007 CIP

Mr. Lloyd, as Treasurer and Trustee of the Library Committee, gave his report for the CIP. The Library had one 5-year project, which was to convert the dry sprinkler system for fire suppression to a wet system if and when the State might mandate the change for municipal buildings. They were estimating the change at a cost of \$25,000.

Mr. Morales suggesting they set it up as a line item to the year 2011, making it a Capital Reserve item and putting it in as a Warrant Article for the next Town Meeting at \$5,000 per year.

Mr. Caron stated that the State ultimately wanted all municipal buildings to have sprinkler systems, but that towns did not have the money in their budgets. He said that the Selectmen had gotten an estimate to install sprinklers in the elementary school and that estimate was \$1 million.

RECREATION COMMITTEE DISCUSSION OF THE 2007 CIP

Mr. Rick Bourque, Chairman of the Recreation Committee, spoke to the Board. He reported that the Cole House improvements had been completed over the past 3 years. The improvements were well below budget at \$1,200 as opposed to the \$4,000 budgeted, thanks to donations of labor and equipment. That project could be taken off the books.

The Recreation Committee would like to take the portion of the money they did not spend on the Cole House project and use it towards the Foss-Wasson Field improvements. There are 120 children utilizing the Foss-Wasson field and the field at the school, and in March and April, Foss-Wasson is not usable due to the wet conditions.

Their plans were to phase improvements in 2008 and 2009. The first phase would include grading and improving the drainage; the second phase would include adding a smaller field where the existing playground is located. They had some rough estimates for excavation and surveying, and had plans to get in touch with local contractors for more estimates. After the initial grading and drainage work, and the addition of the smaller field, they would then consider improvements to the dugouts, and perhaps addition of a shed for storage or a snack shack.

Mr. Day stated that he would need dollar figures and dates to insert into the chart, and Mr. Bourque supplied his e-mail address so he could update Mr. Day on the progress. He hoped to firm up the figures within the next month.

Mr. Donald stated that some of the land is considered wetlands and that the Recreation Committee should stay in contact with the Conservation Committee and maybe even DES. Mr. Sullivan enquired if it was Town-owned land; Mr. Day stated it was, with part of it being owned by the Fire Association. Mrs. Belcher suggested that the Recreation Committee meet with all the departments involved, and could utilize the Town Hall for the meeting.

Mr. Bourque was not sure what the last two items on the list were; *purchase recreation property* and *school tennis/basketball courts*, and had no information on those line items. Mr. Day said they had been carried over from previous tables, and he would remove them.

Mr. Morales asked if there were the possibility of grant monies or money from other sources towards the project. Mr. Bourque was not sure. The Recreation Committee works with a \$4,000 budget (which he will ask to be increased to \$6,000 in October); they have another \$6,000 from a dues and donation fund, for a total of \$10,000. They will be installing four basketball nets at the school, which will come out of that money. Their portion of the \$12,000 project will be \$6,000, which leaves a \$4,000 balance. Mr. Bourque estimates that the entire amount needed to complete the Foss-Wasson project could be between \$20,000 and \$30,000. The Recreation Committee was counting on donations of work and/or materials to get it all done, and in turn they would promote the businesses by putting the names on basketball shirts or baseball uniforms, or on banners on the fence at the field as advertisement. Mr. Morales suggested perhaps a write-off of the contractors' labor costs on their taxes was another possibility.

Progress of the remaining departments for the CIP. Mr. Day pointed out that the figures in bold on Tables 9 and 10 were up-to-date; figures in italics needed to be updated. Mr. Cook from Emergency Management had stated that there was nothing planned for EMS, so he might have no new figures for the tables. Mr. Day knew the Cemetery Trustees had met and was waiting for Mr. Lewandowski to get back to him. The Town Clerk was looking towards other funding for the transfer of Town records to microfiche and was not ready to implement anything as of yet. The Historical Committee had not gotten back to him as Mrs. St. Martin was out of town. In looking at the line item for "*archiving historical records*", Mr. Morales asked how that differed from transferring the Town records to microfiche. Mr. Day was not quite sure what the Historical Committee had in mind. He is still waiting for the Exeter Coop for their portion of the CIP.

CONTINUED BOARD BUSINESS

Turner subdivision discussion. Mr. Quintal from Civil Construction had submitted an application to revisit the Turner subdivision application for MBL 10-4-4. Mr. Day had taken a preliminary look at the plans submitted and found them to be lacking several important pieces of information such as: slope depiction by percent grade on a plan sheet; DOT approval of another road cut for the driveway; and indication of the nearest fire suppression water. It is also his opinion that although the waiver from Section VII was requested, a waiver from Section III was also required.

Mr. Quintal will be contacted and asked to supply a revised plan set with the additional information to the Board, and also asked to provide a set of plans to the Town Engineer, along with the Drainage Analysis report.

The Board spoke again of the concern of the steep slope and reiterated the steep slope restrictions in the subdivision regulations on which the Board had worked so hard. Subdivision Regulation Section VII.L. states: "*...All development, and its associated infrastructure requirements, is prohibited on slopes of 15% or greater....*"

Mr. RA Smith reminded the Board of the cut in the hill at Apple Hill and the wall on Taylor Way. He thought the Turners would be foolish to even consider subdividing, knowing what an expense such a wall would be. Mr. Day observed that an application had been submitted, a waiver had been requested, and it was their duty to consider it. Mr. Smith suggested that the Turners could donate the land as a conservation easement, and Mr. Day stated he was not sure there was enough land to do so even when it was subdivided.

Mr. Morales wondered if it would be more advantageous for the applicant to have a discussion only session instead of a hearing and the Planning Board could reinforce the Town's position on steep slopes. Mr. Day replied it would be statutorily incorrect to do that, as abutter notification would still be required before meeting with the applicant. Mrs. Belcher suggested a design review in lieu of a regular hearing, and quoted that, according to NH RSA 676.4, paragraph 2B, "*...the design review phase may proceed only after identification of and notice to abutters...as required...*" Mr. Day stated that the design review does not imply acceptance of an application.

Mr. Donald stated they could go to the ZBA for a variance if the Planning Board denied them, and Mrs. Belcher declared that was not the case as it was not a zoning ordinance. Their only next recourse would be to go to superior court.

The consensus of the Board was that the application was incomplete. Mr. Quintal will be contacted and informed of what else was necessary to meet the needs of the Board, and a design review hearing will be recommended and scheduled when the requested information is received.

MASTER PLAN AGRICULTURE CHAPTER WORK SESSION

Mr. Day had provided the Board with a copy of his changes to the Master Plan, which incorporated some changes from Mr. LK Smith and Mr. Steltzer, along with a copy of Mr. Steltzer's entire change recommendations. The next step is for the Board to incorporate their own recommendations.

Mr. Morales stated that Mr. Herb Woodworth had his land in conservation, and it was not included in Table 4. Although it had not gone through the Conservation Commission, he felt that property and others in East Kingston (like the Davis' and the State Park) should be incorporated into the table as land in conservation. It was his feeling that Table Four was showing what the citizens of the Town could accomplish for conservation, not only through the Conservation Commission. He suggested perhaps those properties could be denoted with an asterisk with an explanation that it had not gone through the Conservation Commission and no Town funds were utilized, but they should be included for a complete list of all East Kingston land in conservation.

Mr. Lloyd stated he really liked how the Master Plan was put together, and was most pleased to see recommendation number 5, but observed there was no strategy for that recommendation. He also felt there needed to be something listed under strategy and goals, and Mr. Day answered that was for the Board to come up with.

Mr. Day stated for it to be useful, he thought it should be kept simple. Historically, all our Master Plans had listed clearly defined recommendations at the end of each chapter, and he suggested the Board take the table and convert it into a recommendation. Mrs. Belcher thought they were looking towards including recommendations into the Master Plan that might lend itself to later being converted into an ordinance. Mr. Morales suggested changing the recommendations to goals and placing them at the beginning of the Master Plan; Mr. Lloyd agreed. Mr. Day asked the Board what they suggested for recommended actions.

Mr. Morales suggested a separate meeting with all stakeholders involved brainstorming each goal and coming up with a strategy and timeline to address each, if the Board felt that was necessary. Or perhaps their charter was not to try to accomplish that immediately, but to put goals and objectives in place, with a separate strategy later to come up with specific plans for implementation. Mr. Morales stated it was sort of a placeholder.

Mr. Lloyd suggested stating their objectives and going further with a timeline. Then they could decide if it should stay in the Master Plan or be converted to an ordinance. He suggested using Table 5 as a starting point. Mr. Morales agreed that the goals are a start. They need to match the goals and the recommendations.

Mr. Day stated that the Master Plan was the *Big Picture* and should be simplistic and brief. Mr. Day will try to rework what they have discussed and bring it back to the Board next month.

Mrs. Belcher suggested something such as specifics to the site plan review and subdivision regulations for agricultural uses, with criteria that would be less stringent and less restrictive to encourage agricultural use. She was not sure if the Planning Board has any authority over the tax rate to offer a town subsidy or exemption for farms that meet a certain criteria. If that was the goal, then it should be included in the recommendation.

Mr. Morales stated the Board might have to revise regulations and ordinances in order to execute the plan. Mr. Day reminded the Board that the goals and visions they had worked on two years ago recommended exactly the same thing. Mr. Day suggested looking at the Visions and Goal with no timelines, for including timelines would just tie the Board's hands.

Subdivision and Lot Line Adjustment Fees. Mr. Day turned the floor over to Mrs. White to discuss changing the way the fees are listed in the Subdivision and Lot Line Adjustment requirements in the ordinance. Mrs. White explained she had reconfigured where and how the fees were listed in the section, with two different scenarios for the Board to review.

Mrs. Belcher suggested it might be more appropriate to take out all references to fees in the ordinance and regulation book and to defer to the Selectmen's Fee Schedule instead, adding all those fees not already listed. This would make updating the fees the Selectmen's responsibility. This fee schedule could then be inserted into the front of the book as a separate page.

Mr. Day was unsure if the subdivision and site plan application fees were in the Selectmen's list, and did not know if the Selectmen wanted to take on the responsibility. Mr. Caron suggested acquiring all the fees from the book and incorporating them into the Selectmen's list. Mrs. White also informed Mr. Caron that a similar question would be before the Selectmen at their next meeting in regard to the fee structure on the ZBA forms. She suggested they might both be discussed at the same time.

After Board discussion, it was decided that all fees should be taken out of the ordinances and regulations, and put on a Master Fee List to be approved by the Selectmen and posted at the Town Offices. The ordinances and regulations would refer to the Master Fee List for specific fees and charges, rather than including them in the body of the document.

Mr. Day stated that the Board had done a lot of work on the Municipal Review Costs paragraph and thought it vital to keep that section in the ordinance book, but agreed it could be moved to the end of the section. The Administrative Fees section would be removed, and the Master Fee list would be a separate sheet inserted into the ordinance and regulation book.

Capital Improvements Program (CIP). Mr. Day stated his target was to receive all the needed information and forward the CIP recommendation to the Selectmen by October.

Glenn Clark's Subdivision update. Mr. Donald reported that the Fire Chief had given him the okay to start issuing building permits. He explained that the reclamation involved only one lot, and he and Mr. Day had agreed Mr. Savarese could excavate the cellar hole on that one lot and use the dirt towards the reclamation. Mr. Donald had not yet verified that all the monumentation at the rear of the lots had been completed, but would do so next week. The road in the subdivision looks good. It does not have the finish coat on it yet, but that would happen when the subdivision was complete.

Mr. Donald suggested that in future conditional approvals, it could be clarified better just what reclamation needed to be completed before any construction could begin. It appeared that the builder and perhaps the Town Engineer had been confused with the wording of the conditional approval for the subdivision.

Municipal Association. Mr. Day acknowledged he had checked with the Municipal Association as far as what the Board and the Board members would be liable for in the case of a lawsuit. The Town was obligated to pick up the tab not only for the Board as a whole, but for individual Board members so named as long as that Board member was "...*acting in his official capacity in good faith and within the scope of his authority.*" (NH RSA 31.104)

Vacation. Mr. Day noted that he would be on vacation for the meeting on 20 September 2007, and Mrs. Belcher would be chairing the meeting.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Planning Board adjourn. Mrs. Belcher seconded, and the motion carried unanimously at 8:25 pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

J. Roby Day.
Chairman

Minutes approved 20 September 2007