



**PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE**

20042005

*James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman*

MINUTES
(Regular Meeting and Public Hearing of August 19, 2004)

AGENDA:

7:00PM – **Call to Order and Board Business**

7:45PM – **Continued Public Hearing** – for a proposed elderly site plan of Glenn J. Tebo, MBL 6-2-10, involving 4 duplex and 3 single units with a community center (PB#03-OH).

9:00 PM – **Continued Public Hearing** – for a proposed site plan of Paul R. Masone, 213 Haverhill Road, MBL 11-2-17, involving construction of three light industrial buildings (PB#04-OB).

9:30 PM – **Board Business** – Master Plan Housing chapter revision.

9:45PM – **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:05M.

ROLL CALL: Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman Mr. RA Smith, Sr.,
Alternate members present – Mr. EVMadej, Mr. J. Fillio, Mr. JD Burton
Advisers present – Ms. Maura S. Carriel, Rockingham Planning Commission (RPC) Senior Planner; Mr. LK Smith, Chairman, East Kingston Conservation Chairman; Fire Captain Andrew Conti, East Kingston Fire Department

Designated Voting member – Mr. Day noted that this month Mr. Fillio is the designated voting member.

BOARD BUSINESS:

Minutes –

MOTION: Mrs. Belcher **MOVED** that the Board accept the minutes of the August 12, 2004 work session as amended. Mr. Smith seconded and the motion carried unanimously.

Notes & Asides –

Mr. Day read a bit of East Kingston history regarding the fact that in 1855, the town had four schools and there is very little written history or detail of town meetings in the town reports.

Correspondence –

Municipal Law Lecture Series – Wednesday, October 13, 2004, 7:00PM – Land Use Law Update in Newmarket Town Hall. Mr. Day noted that the second one is on October 20, New Challenges for Municipal Regulations of the Environment. The third one is the Basics of Subdivision and Site Plan Review: The Municipal Perspective and the Developers Perspective presented on October 27. The cost is \$25 per lecture or \$45 for all three. September 10 is the deadline to sign up.

RPC Public Hearing Calendar – The first one is November 8 – the first day to accept citizens petitions to amend zoning ordinances. December 8 is the last day to accept petitions.

Mr. Day stated that the last day that the Board can hold a public hearing is January 18, 2005.

Ms. Carriel reported on the Exeter August 12 preliminary meeting regarding a three town project that Dr. Marston is an abutter to. She stated that Kensington has the bulk of the proposed development in it. Mrs. Belcher stated that it is MBL 17-3-2, which is a 72-acre piece. Ms. Carriel stated that it consists of a single-family subdivision in Exeter and a multi-family age-restricted in Kensington with all of the access through Powder Mill Road in Exeter. She added that Exeter has gone on record that they will not provide ambulance service. She noted that it's much closer to the Exeter emergency services than to Kensington. Mr. Day stated that it is scattered and premature development. Ms. Carriel stated that it has not come up in Kensington and that there are no plans for the East Kingston piece. Mr. Day stated that it is a proposed 12-unit subdivision in Exeter. Ms. Carriel stated that the first public hearing on this matter will be August 26 in Exeter.

October 1, 2004 court date with Larry Edelman – Mr. Fillio will volunteer to attend, if not, Mrs. Belcher.

NROC—Mr. LK Smith stated that at the meeting marketing, education and outreach were discussed to promote the project. He added that they will have a table at Old Home Day with sign-up sheets. He stated that they then broke up into two groups: open space, farmland friendly and the other was zoning and master plan. He added that they are going to do a farm-friendly assessment to see how friendly East Kingston is to farmers. He stated that out of 22 questions, 18 were yes. Mr. Day stated that they focused on the Targeted Block Grant as a means to take the next step to the Master Plan Revision, namely the Goals and Visioning. Mr. Day stated that the Target Block Grant application has to be in by September 3. He added that there is \$800 in the budget set aside for this.

Mr. Day stated that the Capital Improvement Program will be done in September. Mr. Burton stated that there has been a change in the statute that added in an explicit statement that alternative methods of growth control have to be based on the Master Plan. Mr. Day stated that he would like a Goals and Visioning Master Plan update. Mr. Smith stated that the Planning Board should look into the problem of water in the town. He added that the big subdivisions will be using a lot of water. He suggested having an area in town to have a water well for emergencies. He noted that he drew up a water plan a few years ago and submitted it to the Rockingham Planning Commission and they said it was not necessary. He noted that on Sanborn Road the first well went 60 feet, the second went 100, the next well went 250 and his well is 850 feet.

Ms. Carriel stated that at some point there was a draft of a Water Resource Management Chapter that was put together. She suggested an aquifer protection district, which is essentially something that can be put in place to limit the types of uses allowed. Mr. Day stated that he thought it would be useful to have a working session on September to discuss this. He added that the Goals and Visioning has to be looked at with regard to the Targeted Block Grant because a methodology has to be developed to get information from people. He noted that the cost for doing this would be shared 50/50 with matching funds by East Kingston and the State. Mr. Burton suggested language for the grant would be that "the grant would be for assisting the Planning Board in soliciting public opinion on revisions to the Vision Section." Mr. Day stated that it has to be broader than that.

Mr. Burton stated that the East Kingston website has been designed. It is now waiting for the server on which it will sit. Sometime within the next month there will be moderated bulletin boards, articles, newsletter. Mr. Day and Mr. Fillio said that this has to be brought to the Selectmen. Mr. Burton stated that these will be nothing but public documents.

CONTINUED PUBLIC HEARING—FOR A PROPOSED ELDERLY SITE PLAN OF GLENN J. TEBO, MBL 6-2-10, INVOLVING 4 DUPEX AND 3 SINGLE UNITS WITH A COMMUNITY CENTER (PB#03-OH)

Mr. Day opened the continued public hearing

For the applicant: Sharon Somers, attorney from Donahue, Tucker & Ciandella of Exeter, NH appeared before the Board representing Mr. Glenn Tebo. She stated that they are there to seek conditional approval for an elderly housing project. She noted the memo from Ms. Carriel dated July 12, 2004 outlining the issues that are outstanding.

Ms. Somers stated that the first issue that needs to be addressed are the waiver requests. She noted the waiver requests as a waiver from Subd. Reg. Section VII.J roadway slope; Subd Reg. Section XVI.F.1 for roadway pavement width, Subd. Reg. Appendix C for typical roadway section to allow a 6" deep ditch and Site Plan Reg.

Section VI.F.1 for on-site lighting. She added that it is her belief that all of these waiver requests have been addressed on previous occasions by the engineer, Parker Survey and there were no negative comments provided in the last report from the Town Engineer dated June 8. She stated that it is her understanding that the Fire Department has given verbal indications that they are satisfied with the width of the road issue.

Mr. Tebo addressed the issue of the 6" deep ditch. He stated that they wanted something that wasn't too steep. He stated Jay Stevens as well as the DES have looked at this. He said that they made it two feet wide at the base rather than to a point and filled with one-foot rip rap so there is plenty of area for the water to flow through. He stated that he felt it was a better and safer solution even though it is more expensive. Mr. LK Smith stated that having the swale like this with the flat bottom and that much rip rap, it spreads it out more and slows down the flow and it shouldn't back up.

Mr. Day noted that with regard to the 16 foot width that the Fire Department was comfortable with as long as the shoulders were secure. Mr. Tebo stated that there will still be a five-foot gravel shoulder. He also noted that the one-way loop will also have the stone lined swale. Mr. Tebo stated that there is a two-foot distance between the sidewalk and the roadway and two feet to the edge of the slope that goes into the swale.

Mr. Burton asked if there was a letter from the Fire Department with regard to the roadway width, to which Mrs. Belcher answered that it was only verbal. Mr. Day stated that the Fire Department indicated that signage is also critical, which is in the revised plans. Mr. Day stated that a letter from the Fire Department is one of his recommended conditions.

Mr. Day stated that before a conditional approval is granted, the Board will act on the waivers. Ms. Somers stated that they are amenable to putting the proposed road name and a listing of all the waivers granted on the Site Plan sheet (Sheet 2 of 8). She noted that the revised plan has "One Way" signs and a single speed limit/No Parking sign have also been added. She added that with regard to a cistern, a plan has been prepared by Jones and Beach. She stated that the plan has been approved by the Fire Department in a letter dated August 6 and the Planner's memo recommends that the details of the cistern plan be shown on Sheets 2, 3, 4 5. She stated that they are amendable to that recommendation. She added that the memo recommended that cistern information be incorporated in an "Easement Plan", which would show both the cistern and the drainage plan. She stated that they would be happy to do that.

Ms. Somers stated that she has given the condominium documents to Town Counsel as well as the drainage report. She stated that as far as the cistern easement, they are looking for some input from the Board. She stated that she is happy to work with the town and meet whatever concerns there are. She asked for guidance as to how the town wishes it to be set up. She asked if the town wants an easement or if the town wants to own the cistern outright. She stated that she needs this information in order to properly structure the legal document to go to Town Counsel. Mr. Day stated that his recollection of Site Plans and subdivision where cisterns and dry hydrants and fire ponds have been involved, the approved structures have been installed and approved by the Fire Department. He added that easements are put into place for access and maintenance and the implicit understanding is that the town took ownership. He didn't think that they ever said that a town owned a cistern.

Mr. Conti stated that in other situations like Country Hills, where it is a private community, the Fire Department has easement to test and require maintenance on it if it is found to be unsuitable for use. He added that it is up to the association to maintain. Mr. Burton asked if the cistern was in need of repair and the owner goes bankrupt, can the town go in and repair it at the owner's costs. Mr. Day stated that the town would go in and fix a cistern and then put a lien on the property.

Ms. Somers stated in the drainage easement that she drafted and has been discussing with Town Counsel, there is a provision in that if for whatever reason the town has to make repairs, it may assess the cost of repairs against the condominium association. She added that if the condominium association does not reimburse the town in a timely fashion, the town may place a lien on the property. Ms. Somers suggested there be some language to make sure everyone knows what constitutes "failure" of the cistern.

Mr. Day stated that it was his opinion that it would be best if the association owned the cistern and the easement would be for the town to inspect, test and access.

Ms. Somers stated that the cistern plan will become part of Sheet 3 of 8 (Easement Plan) and that will show both the drainage plan and the easement. She stated that the drainage easement has been submitted and approved by Town Counsel as well as the condominium documents. Mr. Day stated that the Board has not received the revised condominium documents yet.

Ms. Somers stated that the next issue is the natural vegetation buffer. She stated that that has been addressed on the July 28 revised document. She stated that what they have done with regard to the buffer and the walking trail is what the Board has asked them to do in previous meetings. Mr. Day noted that more trees have been added. Mr. Tebo stated that standard rule of thumb is for every 35 linear feet of roadway there should be a five-foot tall tree. He stated that the roadway up to the cul-de-sac point is 350 feet, so there are ten trees. Mr. Tebo stated that they are going to plant a spruce or fir tree.

Ms. Somers stated the next issue was the NHDES Alteration of Terrain and Septic permits. She stated that they have received a site specific permit. She stated that the septic permit is still under review and it is her understanding that a decision on those is forthcoming in the next couple of weeks. She noted that in connection with the issuance of a site specific permit, the DES required several minor changes to a couple of sheets of the plan and she pointed them out on the easel. She stated that the sheets that these minor revisions are on are not to be recorded, these are 4 of 8 and 6 of 8.

Ms. Somers stated that Sheet 2 of 8 (Title Site Plan) and Sheet 3 of 8 (currently titled Drainage Easement Plan) will be recorded. She added that once Sheet 3 has the information about the cistern on it, it will be retitled "Easement". Mr. Day suggested that since the Grading and Drainage Plan sheet (Sheet 4 of 8) is sufficiently complicated, that it may be helpful in the future. Mr. Tebo stated that Parker Survey told him that the Registry of Deeds would not record that page because there are too many lines connecting and intersecting. Mr. Day stated that it is his experience that the Registry is content as long as lines don't go through numbers or text and if it is readable.

Ms. Somers stated that the drainage easement plan (Sheet 3) very clearly delineates all the swales, drain lines, catch basins and the actual physical area where this will all take place. Mr. Day stated that topographical information is not on the drainage easement plan or the site plan. Ms. Carriel said that the septic system should be on the recorded sheet as well and that shouldn't be too complicated to add on.

Ms. Somers stated that the only other issue in the Planner's memo is that the final plans be stamped and she stated that they will comply with that. She added that they will be working with the Selectmen to provide an acceptable bond. She said that the Town Engineer will review these plans again, in the interest of moving this process along, she asked that this be a very limited review which would essentially be the Town Engineer looking to make sure these revised plans comply with all his comments and taking a look at the drainage easement and cistern, which he will be looking at for the first time.

Ms. Somers stated that in regard to the walking path, she stated that it has been modified pursuant to the Board's instructions at an earlier meeting. Mr. LK Smith called attention to the site specific permit #7 dealing with Federal permitting requirement: "Projects disturbing over 1 acre require a Federal storm water permit from EPA". He stated that that is new and Mr. Day stated that that is another permit required. Mr. Tebo stated that this is a pretty simple permit to get, it's just a matter of registering with them. Ms. Carriel stated that it is not something that would usually be required prior to a final approval. Ms. Somers stated that this is something to put the applicant on notice that it an additional permit may be required at a later date.

Mr. Smith stated that he felt the Board could not take a position on this until new plans are reviewed. Mr. Madej agreed with Mr. Smith. Mr. Day stated that if the Board decides to grant a conditional approval one of the conditions be a compliance hearing to tie up the loose ends.

Mr. Day opened the floor to abutters, of which there were none.

Mr. Day closed the floor to abutters.

Mr. Day stated that there are waivers to address and conditions to consider. Mr. Day went through his list of proposed conditions for approval as follows:

1. NHDES Alteration of Terrain permit – has been taken care of.
2. NHDES septic systems approval – still outstanding.
3. East Kingston Road Agent written approval of roadway intersection -- Mr. Day stated that the Road Agent has not given written approval on site distances as this road connects onto a Town road.
4. Town Engineer review of drainage easement, fire suppression cistern provision and revised plan – still outstanding
5. Fire Department approval of an installed suppression system, which will be part of the building permit – still outstanding. Mr. Day stated that before a building permit can be issued, the suppression system must be approved.
6. Written approval by Fire Department of a 16-foot wide roadway pavement. – still outstanding. Discussion ensued regarding if the Fire Department was still deliberating this issue.
7. Planning Board review and approval of condominium documents. – still outstanding
8. Final plans to include a note on a sheet to be recorded indicating they are part of an “X” number pages that is going to be recorded. – still outstanding
9. Bonding surety to cover road construction, drainage features, and fire suppression system be agreed with the East Kingston Board of Selectmen. – still outstanding.
10. All fees and charges, etc.
11. Final plan set stamped and signed by Engineer, LLS and CWS or CSS– will be done
12. Final two mylars (pages 2 and 3) to be submitted to the Board for chairman signature and recording.
13. Compliance hearing.
14. EPA storm water permit, if necessary

Ms. Somers asked if the Board was to grant conditional approval at this meeting, would it be possible in anticipation of meeting these conditions and obtaining septic permits, etc. to be able to schedule a compliance hearing at this meeting. Mr. Day said that the Board’s schedule is very jammed at this time. He suggested getting back to them when these conditions are done.

Mr. Day stated that there are 13 remaining conditions for approval. He added that before an approval can be granted the waivers must be gone through.

Mr. Day noted Site Plan Regulation Sec. VII, Granting Waivers for review: “The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

1. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.
2. The waiver will not, in any manner, vary the provisions of the East Kingston Zoning Ordinance, Master Plan or Official Maps.
3. Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.
4. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver.

Mr. Day stated that if the Board is satisfying those provisions, then it can move forward.

Mr. Day went over the waiver requests:

1. SD Sec VII.J. Roadway slope greater than 5%.

MOTION: Mr. Fillio **Moved** that the Board grant a waiver to SD Section VII.J. Roadway slope greater than 5%. Mrs. Belcher seconded and the motion carried unanimously.

2. SD Sec. XVI.F.1. Roadway pavement less than 24 feet.

MOTION: Mr. Fillio **Moved** that the Board grant a waiver to SD Section XVI.F.1. Roadway pavement less than 24 feet. Mr. Smith seconded and the motion carried unanimously.

3. SD App C – Typical Roadway Section to allow a 6’ deep ditch.

MOTION: Mr. Smith **MOVED** that the Board grant a waiver to SD App C – Typical Roadway Section to allow a 6' deep ditch. Mr. Fillio seconded and the motion carried unanimously.

4. SPR Sec VIII.4. Lighting to vary from 0.5 foot-candle standard.

MOTION: Mrs. Belcher **MOVED** that the Board grant a waiver to SPR Sec. VIII.4. Lighting to vary from 0.5 foot-candle standard. Mr. Smith seconded and the motion carried unanimously.

Mr. Day stated that there are four waivers and the Fire and Pond Cistern Requirements are no longer needed. Mr. Day stated that there are 13 conditions of approval.

Mr. Conti stated that the 16 foot roadway is fine with the Fire Department, but they want the curbs to be curved for easier access to the sidewalk without damaging tires. Mr. Day stated that they will add more conditions:

15. The typical roadway cross-section will depict a sloped curve.
16. Waivers noted on recorded plans.
17. Septic improvements to be added to Sheet 2 of site plan review.

Mr. Tebo stated that the installation of the cistern will be witnessed by a representative of the Fire Department. Mr. Day stated that this will be a condition.

Ms. Carriel stated that the Board needs to define what is considered "active and substantial development". Mr. Day stated that in the instance of the church it was considered active and substantial development when they put in the parking lot. Discussion ensued regarding vesting. It was agreed that vesting would be affected by the completion of the road and a cistern. Ms. Carriel stated that if there is active and substantial development within one year after final approval, then it is vested for three more years. Ms. Somers stated that this is an eleven unit development stated that putting in the road would be one of the indicators, but she noted that the foundations may not all be put in at the same time.

18. Vesting to be effected with compliance of road and installation and approval of fire suppression cistern.

Mr. Day noted that there are now 17 conditions for a conditional approval.

MOTION: Mrs. Belcher **MOVED** that the Board grant conditional approval of the site plan application of Glen Tebo with 17 conditions be granted conditional approval. Mr. Fillio seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

CONTINUED PUBLIC HEARING—FOR A PROPOSED SITE PLAN OF PAUL R. MASONE, 213 HAVERHILL ROAD, MBL 11-2-17, INVOLVING CONSTRUCTION OF THREE LIGHT INDUSTRIAL BUILDINGS (PB#04-OB).

Mr. Day opened the public hearing.

Mr. Masone introduced himself and Mr. Dennis Quintal, who is representing him.

Mr. Quintal showed where there is poorly drained and very poorly drained soil. He stated that he had a soil scientist go out and map that. He noted the scientist's letter to the Board. He stated that it didn't really affect anything as far as the setback requirements. He noted that there will be a parking area behind the building.

Mr. Quintal showed Sheet 2, there are details of the dumpster enclosure. He noted that the dumpster area has been moved for better access. He stated that parking spaces have been added, there are 12 spaces around Building #6, 18 around Building #7, five around Building #8. Mr. Quintal stated that they estimate having 16 employees. He noted that the parking area is all gravel. He stated that the spaces are not a ctually designated, it's just to show where they could go.

Mr. Quintal showed Sheet 3, which shows the landscaping plan. He stated that nothing much has changed on that plan. He showed where plants will be planted and the grassy areas behind the buildings and the entrances. He stated that it will be landscaped with a variety of shrubs and trees.

Mr. Quintal showed Sheet 4, which is the lighting plan. He stated that the light quickly dissipates as you move away from the lighting fixture. He added that these lights will be on a sensor similar to the existing buildings and unless there is a deer or dog walking in front, they will be off. He noted the picture of the lighting fixtures.

Mr. Quintal stated that they have submitted copies of the typical building elevations, which are similar to the existing ones. He said that they have a septic system design completed and they will have approval for that within a few weeks. He stated that they have requested two waivers; one for the lighting and the other for Site Specific Soils Mapping.

Ms. Carriel went through her memo and summarized each item.

1. Zoning Ord. Art. V, Sec. C requires that in reviewing an application, the Board go through the eleven items listed in Art. V, Section E to assure that they are addressed adequately by the site plan.
2. The Board needs to review the building elevations that were submitted.
3. The 7/1/04 meeting minutes do not reflect a decision with regard to requiring a drainage plan or having the Town Engineer review the plan set. Ms. Carriel stated that she feels there is a significant amount of impervious surface that's being added in the proximity of the wetlands. Her suggestion is that the drainage be reviewed carefully.
4. The photometric plan and photos of the proposed fixtures have been provided, but the light fixtures that are shown are not the type of light fixtures the Board is now requiring. Her suggestion is that there should be no light escaping skyward.
5. Fire Department review of fire suppression needs.
6. Traffic generation information. Ms. Carriel stated that at the last meeting the Board requested traffic generation information.
7. Parking lot. Ms. Carriel stated that some of the parking spaces are parallel parking, which she would eliminate at end of Buildings 6 and 7 because of the length that would be required for parallel parking couldn't accommodate three vehicles. She asked Mr. Quintal to actually number the parking spaces on the plan because it's unclear if they are intended to accommodate a car. She also suggested bumper blocks. Ms. Carriel stated that they want an idea of total supply of parking spaces.
8. Landscaping plan needs to be reviewed by the Board.
9. Hours of operation. Ms. Carriel stated that at the last meeting there were significant abutter concerns regarding hours of operation.
10. The Board needs to act on the waiver requests.
11. State septic approval is required prior to final approval and should be noted on the final plan.

Mr. Quintal stated that he would take care of all of the above concerns.

Mrs. Belcher asked if they would be lighting the areas in the back and sides for parking. She asked Mr. Masone to give examples of the types of businesses that would be there. Mr. Masone stated that there is one man in the heavy equipment business who sells parts to contractors; there is another one who sells chippers. He stated that these are two-men companies. He stated that he does not get involved with trucking companies. He said that these are not high traffic businesses. Mr. Quintal showed how the traffic would be flowing. He added that there will be signs directing to the different buildings. He added that they do not want to pave anymore than is necessary.

Mr. Masone said he didn't think there would be any service of engines. He stated when they have a building available, he will come before the Board to have them determine if it is a suitable business. Mr. Day stated that a clearer picture of the impact of the traffic is needed. Mr. Masone stated that they won't know how to address some of these issues until they have a tenant and they decide how this should work for the individual tenant.

Mr. LK Smith stated that the fact that they have gravel and are not paving will actually help the drainage issue because the underlying soil is sandy.

Mrs. Belcher asked how to handle the issue of paving in the future and can it be handled now. Ms. Carriel stated that any proposal to pave would be an amendment to the site plan and would definitely require a drainage report with calculations. Mrs. Belcher stated that it should be a requirement that if they decide pave later, they have to have a site plan review regardless of who owns it, whether it is on the deed or plan.

Mr. Burton noted setbacks from the property line on Sheet 2, the properties to the north of the site. Mr. Quintal stated that the setback is 90 feet from the building to the property line. Mr. Burton stated that he is looking at the Zoning Regulations Article V. H, which is building setbacks for light industrial/residential district. He asked if anyone has checked on these setbacks. Mr. Quintal showed on Sheet 2 where the setbacks were and that they are quite a bit away from the wetlands.

Mr. Day opened the floor to abutters.

Peter Riley, attorney for Laurie Carbone, 212 Haverhill Road. Mr. Riley stated that it is his understanding that this site is zoned for light industrial, but the description of the business is heavy industrial. He asked what the differentiation of light and heavy industrial. He stated that per Article V Sec. D before the building permit can be issued, you have to know what kind of tenant is there. He asked if the developer planned on upgrading the cistern for the new buildings. He asked if there has been any study done to find out where the aquifer lies beneath the surface. He asked about any hazardous material runoff to private wells. Mr. Riley stated that he recalled there were some restrictions as to the time of usage and the types of activities that could occur on the property. He asked if these restrictions have been lifted.

Mr. Quintal addressed the fire suppression issue. He stated that the pond is about 800-900 feet from the buildings and he believes that meets the Fire Department requirements. Mr. Conti stated that it meets the fire requirements to be within 1200 feet. Mrs. Belcher asked if the fire pond still meets the requirements with all the changes. Mr. Conti stated that the regulation has not changed whether there is one house or 500 houses. He stated that all you need is a 30,000 gallon pond within 1200 feet. Mr. Riley stated that he thinks 30,000 gallon is not sufficient. He stated that under subsection I the Board has the ability within the site plan review process to make further considerations as to the ability to suppress a fire in a commercial building versus a residential area. Mrs. Belcher stated that as far as fire suppression recommendations they come from the Fire Department. She added that if the Fire Department thinks there should be changes, the Board would be more than happy to accommodate those changes. Mr. Day stated that this matter will be addressed by the Fire Department.

Mr. Day stated that the ordinance is pretty comprehensive in describing those kinds of activities which are permitted including commercial, office businesses, research laboratories. He stated that it even goes on to describe light manufacturing enterprises except biological and chemical manufacturing provided that those activities will not be offensive, injurious or obnoxious. He said that heavy industrial would be a steel mill for instance. He added that a steel mill would not be approved, but a warehouse operation probably would be. He stated that he thinks the ordinance clear. As far as the question of tenants, Mr. Day stated that the Board cannot anticipate precisely who will be in a building. He stated that they can anticipate the kind of tenant that will be in a building. He added that every time a prospective tenant comes up, the Board will have to sign off on that tenant. Mr. Day stated that he did research into the files to check for hours of operation and he could not find a condition of approval that addresses that question although it could be addressed at this time. Mr. Riley stated that when he was on the Planning Board and he recalled that Mr. Smith approved that condition. Mr. Day offered Mr. Riley to look through the Minutes.

Mr. Riley stated that he did not see how the Board could entertain a building permit without knowing who the tenants would be. Mr. Burton stated that this is the Planning Board, not the Building Inspector.

Laurie Carbone, 212 Haverhill Road. Ms. Carbone stated that the traffic exiting and entering is a safety problem for the abutters. Mr. Day stated that all they have is anecdotal information on the traffic. Ms. Carriel stated that it might be good to get something in writing from DOT stating if any additional improvements to the driveway would be required. She stated that where a use is being intensified or the type of traffic is changing from vehicles to trucks, they can require additional improvements be made.

Jerry Dale, 216 Haverhill Road. Mr. Dale stated that he lives across from the industrial park and on Saturday and Sunday a truck will pull in front of his house, they miss the entrance and have to back down the road. He asked if

there could be a sign to warn drivers where the entrance is. He stated that he has skid marks in front of his house where trucks have missed the entrance. He added that this happens every day.

Mr. Masone stated that he assumes most of the traffic comes from East Kingston down 108 heading west. He stated that the biggest problem they have is because of the way the driveway was cut in. He added that he wanted it wider with a sign. He stated that it was a problem because an abutter would not comply with putting a cone in front of his driveway which is the old entrance way. He stated that tractor trailers pull into Mr. Murphy's driveway and have to back out. Mr. Masone stated that the site distance to the sign is blocked by the trees. Mrs. Belcher asked if there is a way to get a State sign "Trucks Entering". She added that if Mr. Murphy's first entrance is a problem if it is going to cause a serious accident, the State should be notified. Mr. Fillio stated that the Selectmen should make a recommendation to the DOT to have a sign put up. Mr. Day suggested that Mr. Masone also request a sign from DOT.

Laurie Carbone stated that the signs would help but when the trucks exit they end up on her property and they can't get in. Mrs. Belcher suggested that when the DOT looks into the signs they may also look into the driveway.

Mr. Riley asked if the Board is suggesting some kind of a taking of property. Mrs. Belcher strongly disagreed with the suggestion that the Planning Board is proposing a taking.

Mr. Day stated that the driveway is almost a 90 degree turn off the road.

Tara Paige, 208 Haverhill Road. Ms. Paige stated that she believed from the last time she was at the meeting that the hours of operation were going to be verified. Mr. Day stated that he looked into that question and the records show no hours of operation in the Minutes going back to 2000 and there was no condition of approval for Mr. Masone addressing that question. Ms. Paige asked why Mr. Masone is building new buildings when he has "For Rent" signs outside. Mr. Masone stated for speculation. He said that when they have the buildings, he will have tenants ready to move in. He added that then he can choose the most appropriate tenant for the site.

Ms. Carbone stated that she believed the hours of operation were established with the earlier tenant and she has copies of the Minutes and will find that reference.

Donald Paige, 208 Haverhill Road. Mr. Paige stated that his biggest concern is trucks entering and existing Saturday and Sunday late at night, squealing tires, locking up the brakes, turning around. He stated that Mr. Masone's dog is on his property a lot.

Ms. Carbone asked the Board to keep in mind that it is a residential district as well.

Mr. Day closed the floor to abutters.

Mr. Quintal stated that he would contact the State and would address at the next meeting the concerns brought up at this meeting including Ms. Carriel's comments.

Mr. Masone requested a continuance to September 16, 2004 at 7:45 to 8:45 PM.

MOTION: Mr. Fillio **MOVED** to continue the hearing of Paul Masone to September 16 at 7:45. Mrs. Belcher seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

More Board Business

Mr. Day stated that a work session is needed for the first part of September to work on the Master Plan. He stated that he felt there were a lot of good recommendations for the Master Plan Housing Chapter.

Ms. Carriel stated that New Hampshire Estuaries Program had money and they contracted with the Planning Commission to do a community committee process to look at ways to reduce impervious surface coverage within

the town looking at site plan and subdivision regulations like driveways width and storm water drainage. She stated that the Town of Epping dropped out of the program so they had some money to do a similar but much smaller scale project of three towns in the region and East Kingston was selected to be one of them. She explains that this means they would look at ways to reduce impervious surface coverage requirements. She added that this would mean identifying areas that could be amended to come up with zoning amendment language. She stated that it is taking another look at East Kingston regulations, ordinances. She stated that the completion date is December.

Mr. Day noted Larry Erickson's road, it has a hole in it and on one page of the plans there is no hole and on the other there is a hole. He asked if the Board really wants him to pave the center because he is prepared to do it. Mr. Day stated that in view of impervious surfaces, maybe it would be best not to fill in the hole. Discussion ensued regarding the paving issue.

Regarding the Ratigan letter, Mr. Day stated that the Board of Selectmen have responded in the same way to New Jersey. Mr. Day stated that there is still a question of if someone does get sick, what is to be done. He asked if it can be required that the healthcare person not stay overnight. Mr. Filio stated that it is not a violation of the 55 or under rule if a caretaker comes in and there are no children involved going to the school. Mr. Burton stated that there is probably a consensus all over the country as to what is elderly care versus normal living.

ADJOURNMENT:

MOTION: Mr. Filio **MOVED** the Board adjourn. Mr. Madej seconded, and the motion carried unanimously at 10:30PM.

Respectfully submitted,

Hel~~en~~^{en} M. Lonek
Recording Secretary

Approved by: 9/9/04