



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

2005-2006  
*James Roby Day, Jr., Chairman*  
*Richard A. Smith, Sr., Vice Chairman*

**MINUTES**

(Regular Meeting and Public Hearing of September 15, 2005)

**AGENDA:**

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

7:15PM –**Continued Public Hearing** – for Glenn and Kathleen Clark, 21 Burnt Swamp Road (MBL 10-4-8) involving a proposed 12-lot subdivision (PB# 05-07)

8:00PM – **Discussion Only** – for Matt Gallant, Sanborn Road, in regard to his Home Occupation

8:15PM – **Public Hearing** – for a proposed change in tenancy of a light industrial enterprise of Paul Masone, 213 Haverhill Road, MBL 11-2-17

8:15PM– **Adjournment**

**CALL TO ORDER AND BOARD BUSINESS**

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

**ROLL CALL:** Mrs. Helen Lonek called the roll.

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

Alternate member present– Mr. EA Lloyd

Advisers present – Dr. Jill Robinson, Rockingham Planning Commission Senior Planner (RPC); Fire Captain A Conti, East Kingston Fire Department, Mr. RR Donald, East Kingston Building Inspector, Mr. LK Smith, East Kingston Conservation Commission

**BOARD BUSINESS:**

**Designated voting member** – Mr. Day noted that Mr. Lloyd is the designated voting member.

**Minutes–**

**MOTION:** Mr. Morales **MOVED** that the Board accept the minutes of the August 18, 2005 meeting as corrected. Mrs. Belcher seconded and the motion carried unanimously.

**Action/Info Items–**

Mr. Day noted the Municipal Law Lecture series flyer. Dr. Robinson stated that she thought there was a change in the location due to parking issues and has been changed to Newington. Mr. Day stated that the deadline is September 16.

**Bowley covenant language and compliance hearing** – Mr. Day stated that the Bowley compliance hearing is set for October. He stated that John Daly has the proposed covenants with correction made by Mr. Garrepy.

Mr. Day stated that on Page 2, paragraph 9, his answer to Mr. Day's note was, "We prefer to not have permanent signage in our development." Mr. Day stated that his comment to Mr. Garrepy was, "What's wrong with Town authorized signage for home occupations, etc.? We have never prohibited such before even in elderly housing cluster developments." He added that if the Board wants to have covenants that he can enforce, they ought to be

part of the subdivision plans. Mr. Day stated that historically it has been an opportunity for the Board to look at what someone is proposing for a subset of the municipality.

Mr. Morales pointed to page 5 paragraph 8B Fences. He asked Mr. Donald if it should state that a building permit is required. Mr. Donald stated that the covenant is something that is in addition to what the Town requires.

Mr. Morales stated that one thing that he thinks is critical is paragraph F, "Pesticides may be used..." He stated that he thought it should state that it has to be a licensed person to do pesticides. Mr. Lloyd asked if the covenants are intended to outline all of the local, state and federal responsibilities for doing anything, or is it an agreement between the homeowners to live by certain restrictions over and above what is required by these authorities.

Mr. Morales noted the covenants where it states that there will be no filling of wetlands on individual lots. Mr. LK Smith stated that there is to be no additional filling over and above what is permitted. Mr. Morales stated that it implies to him that you can't fill on your own property but you can do it on common property.

Mr. Morales pointed to page 14, paragraph I, "Bowley reserves the right to add additional land to the subdivision, which land may be divided into additional lots." He asked where they would be getting this additional land and does it need Planning Board approval. Mr. Day stated that the Board has seen this before. Mrs. Belcher stated that if they want to expand their development, they can at a later date; it doesn't mean that they are going to. She added that they have to make some sort of provision for that or else it would have to be a different development.

Mr. LK Smith noted page 10 paragraph #5, it should be "silvi-cultural". He added that it means "forestry".

Mr. Day stated that he would forward the above comments to Mr. Garrepy.

CONTINUED PUBLIC HEARING—FOR GLENN AND KATHLEEN CLARK, 21 BURNT SWAMP ROAD(MBL 10-4-8)  
INVOLVING A PROPOSED 12-LOT SUBDIVISION(PB#05-07)

Mr. Day opened the public hearing.

Mr. Ken Berry came before the Board. He handed out revision sheets.

Mr. Berry stated that they have received the engineering review by Civil Consultants' Mr. Jay E. Stephens and submitted a response to him on September 8 that included a complete set of plans that were submitted to the Town and included an addendum to the drainage analysis. He stated that, at the Board's request, they have met with the Conservation Commission to talk about a number of issues including the New Hampshire Department of Environmental Services dredge and fill permit that has been previously signed by the Commission, submitted to the State of New Hampshire and the status of the permit is that a reviewer at Pease Tradeport has been assigned, Mr. Evan Lewis. Mr. Berry stated that Mr. Lewis is actively reviewing the application and he anticipates providing information as early as next week.

Mr. Berry stated that he has introduced to the Conservation Commission a second alternative to the yield plan. He stated that they have made some major changes in the yield plan road configuration. He stated that they have not completed a drainage analysis of the yield plan and he is more than reasonably confident that the road could be built and drainage could be completed on it.

Mr. Berry stated that the proposed road grade for the amended yield plan has two roads that are 8%. He added that both Dr. Robinson and Mr. Stephens have stated that a waiver request for the roads is reasonable.

Mr. Berry read from the zoning ordinance, page 30, F. Maximum Allowable Density. "The maximum number of dwelling units permitted in any cluster development shall not exceed the number of units that would be allowed in a standard subdivision on the same parcel of land. To determine the number of units allowed, the applicant shall submit two conceptual plans for the development. One plan shall show a standard subdivision of the parcel that complies with all requirements of the East Kingston Zoning Ordinance; the other shall show the proposed cluster layout using no more than the number of units allowed by the standard subdivision." He stated that he felt they have more than satisfied this by providing two conceptual plans.

Mr. Berry stated that one of the purposes of the Single-family cluster residential development was to have more efficient streets and infrastructure. He stated that one of the other purposes is "To preserve the natural and scenic qualities of open space including setback areas, buffer zones and environmentally sensitive lands. He stated that he is proposing to preserve a great deal of open space. He stated that he felt they are spending so much time on the yield plan that they are losing sight of the fact that the Board wrote the cluster development ordinance for the purposes of doing what he is doing, ie., to protect parcels of land. He added that they are not requesting any bonuses. He stated that they are not even asking for the same number of lots as on the yield plan. He stated they are only asking for a 12-lot subdivision.

Mr. Berry stated that another item that came up at the Conservation Commission meeting had to do with the clarification of the soil types within the excavated area. He stated that Mr. Shauer, in his site specific soil survey, indicated there were some soils having a drainage class that was undeterminable. He stated that in a letter from Mr. Shauer he stated that the soil types in that soil are either somewhat poorly drained or moderately well drained soils and that none of those undetermined soils are poorly drained soils. He stated that the poorly drained soils come into effect in the placement of suitable leeching areas and septic systems and having specified setbacks. He stated that the plan that demonstrates the site specific soil survey, Sheet 4 of 14, will be revised to show Mr. Shauer's findings. Mr. LK Smith corrected that the letter states "somewhat poorly and moderately drained" and not "well or moderately well drained". Mr. Berry will ask Mr. Shauer for clarification on this issue.

Mr. Day stated that for him the first priority in cluster developments is conservation and this plan gives a wide margin from the minimum and he appreciates that. He added that the concern remains drainage not necessarily from the road, but from driveways.

Mr. Berry stated that a member of Beals Associates has met with the Fire Chief regarding fire ponds. He stated that the second fire pond has now been designed and there are minor modifications to the detail sheet.

Mr. Berry stated that they have received a review letter from Jay Stephens, Civil Consultants and they have answered all of his questions. He stated that there was one item in reviewing the response letter and the plan sets in preparation for the meeting, he noticed that a drainage easement on lot 2 and 3 had not been communicated between the designer and the drafter properly and the information sent over to Mr. Stevens that afternoon demonstrates this easement and that easement will be shown on all subsequent printings of the plan.

Mr. Berry summarized other topics included in Mr. Stevens letter: he asked for a number of drainage slope and utility easements that have been to the project; he asked for emergency spillways, which have been added to the detention ponds; he discussed the drainage situation behind Mr. Barrett's property; he talked about the waiver requests and felt they were justified; he asked for some revisions to the cross-section detail and he asked for guardrail detail, all of which has been added to the plan set; he asked for some fire system details, which included in the last publishing, however, they have been upgraded and revised in the most recent publishing. Mr. Berry stated that another item that Mr. Stevens brought up was the road name. He stated that the applicant would like either Clark Drive or Clark Road. Mr. Day stated that it is entirely up to the applicant unless there is a pre-existing street. Mr. Morales suggested checking with the post office.

Mr. Berry brought up the idea of submitting a lot line adjustment and he would like to further explore this. He added that on the submitted application, they indicated that they were asking for 12 lots. He stated that parcel A (which is about 1/2 acre) is going to be consolidated with the Hanscom-McKane property and that was in the earliest plan set.

Mr. Berry stated that all of the state permits are outstanding and being processed.

Mr. Day stated that Mr. Stephens has suggested a plethora of easement requirements. He stated that these easements have to be reflected on the plan but also should be included in the deeds of the individual lots. Mr. Berry agreed and stated that he is going to draft those easements and will provide the language to the attorneys.

Mr. LK Smith stated that he still has a concern regarding the yield plan as to the drainage on the driveways that have to be constructed to access those lots especially the ones where the proposed building location is near the top of the hill. He noted Lot 6 in the new yield plan, where he sketched in a driveway at a 10% grade to get to the top of the

hill would require almost 1,500 feet of driveway with nine switch backs. He stated that that would have a lot of impact and would virtually clear the entire hillside just to build a driveway. He added that this needs to be factored into the drainage analysis for the standard subdivision.

Mr. Berry read from the ordinance: "To determine the number of units allowed, the applicant shall submit two conceptual plans for the development. One plan shall show a standard subdivision of the parcel that complies with all requirements of the East Kingston Zoning Ordinance; the other shall show the proposed cluster layout using no more than the number of units allowed by the standard subdivision." Mr. Berry stated that they have provided multiple concepts. Mr. Day stated that the Conservation Commission has raised a valid question and he would like some sort of response to it. Mr. LK Smith stated that the Wetlands Conservation District ordinance clearly states that any time there is wetlands impact on the project, there will be a drainage analysis and calculations. Mr. Berry stated that his client is refusing to provide a drainage analysis. He stated that there is no requirement in the ordinance or regulations that says you have to take the yield plan to that level of development. He stated that a driveway could be built on the parcels, it could be stabilized, it could be drained, the technology is there. He stated that the Board is asking his client to go to a great deal of effort that is not warranted. He apologized for being so disagreeable. Mr. Day stated that they would move on.

Mr. Day referred to the plan set, he asked Mr. Berry to refer to him as Chairman, not Chairperson.

Mr. Day stated that, with regard to the lot line adjustment, the Board has been posed with this before. He added that there is more than one parcel of land being affected by this development prompting a lot line adjustment with the Hanscom-McKane property. He added that in order to keep the tax maps straight, a separate hearing for the lot line adjustment is held. He stated it's not an onerous requirement, it's procedural. Mr. Berry stated that they would submit an application for a lot line adjustment.

Mr. Day noted Sheet 4 where 10-6-3 (Petrucci) should be across the street. Mr. Berry stated that this would be corrected.

Mr. Day stated that they have asked in previous applications that a location of a dwelling be indicated. He added that it doesn't lock that location in, but it shows that a dwelling can be placed on the property.

Mr. Day stated that another part of the process hinges on the successful solution of the reclamation plan. He stated that it might be useful on C1, Sheet 4 of 14, to show where the problem area is. Mr. LK Smith suggested delineating the boundaries of the pit. Mr. Berry stated that they can demarcate that on the plan.

Mr. Day stated that the question of road width has not been addressed, perhaps reducing the width of the road. Mr. Berry stated that they would be willing to submit a waiver requesting that the road be narrower. Dr. Robinson stated that there never was a specific width recommended. Mr. Berry stated that at the present they are proposing a road width of 24 feet, he asked if the Board would consider it reasonable to request a waiver for 20 feet. Mr. Day stated that he felt such a waiver request would be favorably received. Mr. Berry stated that it was the intent from the building that it would be a town road. Mr. Donald stated that they will have to have a driveway permit and it is required that there be a 2% slope so that the water doesn't run into the road. Mr. Berry stated that those driveways on the conservation cluster development plan have been graded and a profile has been included on 12 out of 13 (D1).

Mr. R Smith asked about sidewalks and Mr. Day stated that he didn't believe there was any intention of sidewalks on the plan. Mr. Day noted the Regional Environmental Planning and explained that the DES got together with the Executive Committees of the nine regional planning commissions and has come up with recommendations for proposed ordinance language dealing with sustainable development. He added that one of which is a dark skies lighting ordinance.

Mr. Berry stated that they are not planning any lighting and no sidewalks.

Mrs. Belcher referred to the subdivision regulation Section VII- General Requirements for the Subdivision of Land, "J. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for minor streets and 3% for major streets unless the Board for good cause shown allows a greater grade. No street shall

have a grade of less than ½ of 1%.” Mr. Berry referred to the waiver request submitted with the application and explained that what they are requesting is that the roadway start at 4% and goes up to 6 ½% comes down 2 ½% and then comes back down at 8% to 107A. He stated that the waiver request was submitted to better follow the terrain on the property.

Mr. Day opened the floor to abutters, of which there was none and he closed the floor.

Mr. R Smith asked if they would be adding a slow-down lane on 107A. Mr. Berry noted page 11, which is the highway access plan, there is a deceleration lane for the southeasterly entrance. He stated that there are a number of historical trees by the southwesterly entrance and they didn't want to have to push the road back for a lane. He stated that anyone coming in a westerly direction would use the southeasterly entrance. As far as acceleration lanes, Mr. Berry explained that the Department of Transportation has not been requesting these since the 1980's.

Mr. Berry stated that the site walk is on Saturday, October 8 at 10:00AM. He warned that there are a number of hunting seasons in effect. Mr. LK Smith stated that he would be unable to attend, but someone will be there to represent the Conservation Commission. Mr. Day stated that they need a waiver request for the road width. Mr. Day stated he still has concern about the driveways on the lots in question to address the drainage question as a result of the terrain. He stated that he would be conferring with the Conservation Commission about this.

Mr. Day commended Mr. Berry on his good work.

Mr. Berry asked for a continuance.

Mr. Day stated that the lot line adjustment would be on October 20 at 7:15 and the continued public hearing would be at 7:45.

**MOTION:** Mr. Morales **MOVED** that the Board continue this public hearing to October 20 at 7:45 PM. Dr. Marston seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

DISCUSSION ONLY –FOR MATT GALLANT, SANBORN ROAD, IN REGARD TO HIS HOME OCCUPATION

Mr. Day opened the discussion.

Mr. Matt Gallant appeared for the Board and explained that he is building a garage to store vehicles in. He added that he could squeeze 4 vehicles in, three small pickup trucks and one tanker truck. Mr. Day stated that the question put to the Planning Board is that it may be possible that Mr. Gallant is proposing to do commercial work in a residential zone other than what the home occupation was approved for. He stated that the home occupation was clearly to be limited to an office operation. Mr. Day asked the Board if this constitutes a change to the home occupation or does this constitute a conflict with the zoning. He stated that it either has to go to a public hearing or the Board has to find some logical justification that says it's okay to store trucks in the garage.

Mr. Morales stated that the ordinance allows one commercial vehicle outside so if he puts it in the garage, he's ahead of the game.

Mr. Gallant stated he built the garage so that the trucks would not be outside and it looks a lot nicer. He added that the business is not done on the property. He stated that he built a wooden building even though a steel building would be cheaper, because it would look better in the neighborhood. Mr. Morales stated that the only change is that he's building a garage, nothing else is changing. He added that he didn't see any problem with it. Dr. Marston agreed with him. Mr. R Smith stated that this business has been going on for a long time. He added that the garage is way back behind the house. Mrs. Belcher stated that the Board has to make a decision as to what constitutes commercial. She stated that she knows the business has been in business for 20 or 30-something years, but since Mr. Gallant took it over, it is no longer grandfathered. She added that she thought the business would fall into the light industrial/commercial. She stated that the Board has to apply the same standards to everyone that comes before

i. Discussion ensued regarding other businesses in town that are either grandfathered or have never come before the Board to request a home occupation permit.

Mr. Donald stated that he issued the building permit for the garage because he thought it was better to have the truck sheltered rather than visible from the road. Mrs. Belcher reminded the Board that Mr. Gallant agreed when he applied for a home occupation permit not to park the truck in the yard, except for lunch stop-overs, but it was not to be left overnight, it was supposed to be stored off the premises because he was only approved for a home office.

Mr. Day stated that the home occupation ordinance lists permitted uses, the commercial district ordinance description lists permitted uses and the question of whether something is commercial or not is irrelevant because every home occupation is a commercial activity. He stated that in this particular instance, Mr. Gallant has a home occupation that was heard on April 15, 2004 where the Board approved an office operation and maybe the occasional parking of the truck in the driveway. Mr. R Smith stated that Mr. Gallant is not doing the business in his house, he does the business off-site. Mr. Lloyd stated he agreed with Mr. Smith and the critical question is what is the commercial operation that is occurring on the premises. He added that only an office is on the premises and stated then C. Standards 3. applies, "Not more than one commercial vehicle may be kept overnight at the premises unless shielded from sight by garage, fencing, etc." Mrs. Belcher stated that if the standard is if the actual commercial activity does not occur at the premises, she can agree with that. She added that she thinks an amendment has to be made to the home occupation ordinance. Mr. Conti stated that it is clear to him that not more than one vehicle can be on the premises unless it is shielded and it is by the garage.

Dr. Robinson stated that there are some inconsistencies in the Definition. She stated that the first phrase states, "A Home Occupation is a...business carried out from the home..." She stated that he is carrying out the business from his home in the office. She pointed to the second provision, "A Home Occupation is the provision of a service and/or the production or selling of a product on the premises." She stated that his service is not provided on the premises. She stated that the definition needs to be clarified so that it clearly addresses situations like this.

Dr. Robinson asked what has changed since the office was permitted as a home occupation. Mr. Gallant stated that the only difference is where he parks the truck. Mr. Donald stated that in past applications, most of them were determined to be okay when the work was not done off-site, ie., a carpenter. Mrs. Belcher stated they were called "invisible home occupations". Mr. Day stated that there are any number of businesses in town with businesses whose office operations are in the house and they do the work elsewhere, ie., plumbers and other septic system businesses. He added that his justification hinges on the work being done off-site.

There was a consensus by the Board that the home occupation of Mr. Gallant will remain as is and he can use the garage to park his vehicles.

Mrs. Belcher suggested, "Home Occupations that do not require signage or the traffic of clients who do the majority of their business off-site, except for office." Mr. Day stated that Mrs. Belcher will generate some ordinance language.

Mr. Day closed the discussion.

PUBLIC HEARING – FOR A PROPOSED CHANGE IN TENANCY OF A LIGHT INDUSTRIAL ENTERPRISE OF PAUL MASONE,  
213 HAVERHILL ROAD, MBL 11-2-17

Mr. Day opened the public hearing.

Mr. Masone appeared before the Board and introduced his potential new tenants, Peter Kinnon (5 Tanglewood Drive, Newton) of NewBama Steel, Inc., a start-up steel fabrication business and Gary Snoonian from Essex Newbury North Contracting Corp., a general contracting business.

Mr. Kinnon stated that his business is a small steel fabrication shop. He stated it is him and one employee and they build handrails, decorative gates. He added that the material is delivered by a pick-up truck or 15-foot trailer once or twice a week. He stated that there are no solvents used, only lead free primer spray paint and paint thinner, which is stored in a fire proof closet. He added that scrap metal is removed by a scrap company.

Mr. Masone stated that the spaces are both 40X60. Mrs. Belcher asked Mr. Masone to submit a new plan of all the tenants. He stated that he would submit a scale drawing of all the buildings and indicate the tenants. He added that the buildings are all equipped with fire apparatus and they are in the process of building a fire pond.

Mr. Masone stated that he is in the process of building another building at the moment, which will probably be done at the end of November. He stated that he has a permit to build one more but he is going to wait due to the economy. Mrs. Belcher asked Mr. Kinnon to produce a list of products that he stores. Mr. Kinnon stated that he would submit an MSBS sheet which lists the chemicals he uses.

Mr. Masone stated the hours are 6AM to 6PM six days a week.

Mr. Day opened the floor to abutters with no comments and closed the floor.

Mr. Day stated that the ordinance calls for a list of things the Board must consider:

- “1. Hazard or detrimental effect to adjacent property: No fire and explosion hazards shall exist as to produce dangerous exposure to adjacent property.
2. Odor: No objectionable odors shall be detectable beyond the property line.
3. Gases: No noxious, toxic or corrosive fumes or gases be emitted.
4. Dust and Smoke: No observable dust or smoke shall be exhausted into the air.
5. Heat and Glare: No heat and glare shall be evident beyond the property line.
6. Exterior Lighting: No exterior lighting, other than property shielded street lighting, shall shine directly on adjacent properties or towards any street.
7. Noise: No inherent and recurrently generated noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the time and point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat frequency or shrillness. No external loud speakers shall be permitted.
8. Vibration: No inherent and recurrently generated vibration shall be perceptible at or beyond the property line.
9. Radiation: No dangerous radiation shall be detectable outside any structure.
10. Waste Disposal and Water Service: Water service and waste and refuse disposal methods shall comply with pertinent health regulations and shall be in accordance with the approved site plan.
11. Storage: Fuel, raw, partially processed, finished or other material, machinery, supplies and equipment, including company owned or operated vehicles, shall not be stored between the street line and the front line of structures on the subject lot or, if there be no structure, within forty (40) feet of the street line, and in no case shall be visible from the street.”

Mr. Masone stated that there are designated areas for waste disposal and there are a few dumpsters as well.

Mr. Kinnon stated that his business complies with all of those provisions.

Mr. Conti added that the standard fire department inspection applies as well.

**MOTION:** Mrs. Belcher **MOVED** that the Board approve NewBama Steel, Inc. as a tenant of Mr. Paul Masone based on receipt of the MSBS sheet and an annual fire inspection. Mr. Smith seconded and the motion carried unanimously.

Tenant No. 2 is Gary Snoonian, Essex Newbury North Contracting Corp. Mr. Snoonian stated he lives in Amesbury, MA. He stated that the business is scattered and they are trying to find a central place for warehousing. He stated that the business is mostly done in Boston. He added that they would be warehousing ladders, small tools, power tools, etc. He stated that there is no hazmat and most leftover material would be left at the site or at their container. He stated that they would be storing power tools, shovels, hand tools, hammers, ladders, etc.

Mr. Day went through the list of items that need to be addressed listed above.

Mr. Snoonian stated that he complies with all of those items.

Mr. Snoonian stated that hours would be M-F 6AM to 6PM and some weekend work.

**MOTION:** Dr. Marston **MOVED** that the Board approve Essex Newbury North Contracting Corp. as a tenant of Mr. Paul Masone with an annual fire inspection. Mr. Smith seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

### **Board Business**

Mr. Morales stated that he has asked the Building Inspector to go out to 10 North Road regarding the storage of antique vehicles. He added that based on Mr. Donald's findings, they would act by sending a formal letter requesting they talk to the Selectmen and possibly the Planning Board. Mr. Day stated the Town is going to have to eat the difference between the cost of Mr. Donald's time going out to inspect the renovation and the \$20 fee. He added that the fee is unrealistic.

Mr. Morales brought up the home occupation permit fee, which Mr. Day stated would have to go to Town Meeting to change. Mr. Morales stated that he didn't think \$100 was unreasonable. He added that home occupations are not taxed differently either. Mr. Day stated that this would be dealt with at a Work Session.

Mr. Day stated that there is nothing saying that u-shaped drives are prohibited as long as it meets property boundary setbacks and site distances. There is some disagreement as to if "one driveway" refers to one driveway cut of just one driveway. Mr. R Smith stated that the original intent of the ordinance was one entrance to each lot.

Maplevale Road and sidewalk – Mr. Day stated that he received a call from Chris Frye, the engineer for Peter Lewis and he was referring to Jay Stephens' comments about the road that it looks in good enough shape if the Town were to want to take it if the developer wanted to get rid of it. He clarified that the only road in the development is Maplevale Road, all the rest are association roads. Mr. Day suggested to Mr. Frye that the Town's regulation states there is a two-year waiting period. Mr. Day noted Section XVI—Requirements for Construction of Roads and Streets in the Town of East Kingston H. General Information, "Roads will not be accepted by the Town of East Kingston for at least two years after construction." Mr. Day stated that Bob Rossi has stated that the road is okay. He asked when does the clock start. Mr. Morales stated that he thought after the road was essentially complete sans any minor repairs. Mr. LK Smith stated that the whole road is not complete. Mr. Day stated that all agreed that when Maplevale Road has its finish coat, the clock starts.

Mr. Day stated another item from Maplevale is the sidewalk. He stated that Jay Stephens said that the sidewalk wasn't finished to Depot Road along Maplevale. Mr. Frye has stated that he thought the sidewalk was a safety question for people coming out to Depot Road. Mr. Frye's question to the Board was is the Board going to insist that he build the sidewalk. Mr. Day stated that the plan calls for it or else he has to come back before the Board.

Town counsel's comments re: definition of structure – Mr. Day stated that this refers to someone who built a structure right on the property line to house rabbits, and the neighbor objected that it was supposed to be 10 feet away. He added that the person took the slats and the roof off and left the structure and it could still be used. Mr. Day asked what distinguishes a structure from a building definitionally in the ordinance. Mr. Morales stated that it appears the person is skirting the ordinance. He added that they basically tore down what would be classified as a "structure" and legally it would be tough to take him to court.



Lister subdivision – Mr. Day stated that it is close to being complete. He asked Mr. Smith and Dr. Robinson to facilitate this.

Targeted Block Grant – Mr. Day stated that he received a call from Glen Greenwood that the money is there.

Planning Board Calendar – Mr. Day stated that zoning ordinance and regulation changes are coming up. He stated that a Work Session has to be planned. He stated that by the ordinance the Board is committed to an annual review of the elderly housing ordinance that has to be done by December. He added that the Growth Control ordinance requires a November review. He stated that he would be asking Dr. Robinson for some help with this so a hearing can be had in November.

Mr. Day stated there is a joint effort between DES and the nine planning commissions to come up with boiler plate language for ordinances for dark skies lighting ordinance, ridge line steep slope development, and other subjects.

Discussion ensued regarding trash pick-up in the elderly housing development, which will be brought up at the next Selectmen's meeting on Monday, September 19. Mr. Morales asked for anyone familiar with the history to please attend the meeting.

**ADJOURNMENT:**

**MOTION:**

Dr. Marston **MOVED** the Board adjourn. Mr. Morales seconded, and the motion carried unanimously at 10:00PM.

Respectfully submitted,

Recording Secretary

Approved on: 10/20/05