



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

*2004.2005  
James Roby Day, Jr., Chairman  
Richard A. Smith, Sr., Vice Chairman*

**MINUTES**  
(Regular Meeting and Public Hearing of September 16, 2004)

**AGENDA:**

- 7:00PM– **Call to Order and Board Business**
- 7:30PM– **Public Hearing**– for 1) proposed Subdivision Regulation changes to SECTIONS VII, XI, XVII and Appendices A and G, and 2) proposed Site Plan Review Regulation changes to SECTION IV, Site Plan Review Procedures, and the Application for Site Plan Review. The full text of the proposed changes are available for review in the East Kingston Town Offices during normal office hours.
- 7:45 PM– **Continued Public Hearing**– for a proposed site plan of Paul R. Masone, 213 Haverhill Road, MBL 11-2-17, involving construction of three (3) light industrial buildings (PB#04-OB).
- 8:45 PM – **Discussion Only** – Christian Smith regarding a conservation subdivision and roadway configuration on Route 107A (Glen Clark's property).
- 9:30PM – **Adjournment**

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

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

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman Mr. RA Smith, Sr., Dr. RA Marston, DVM  
Alternate members present – Mr. EV Madej, 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. Madej is the designated voting member.

**BOARD BUSINESS:**

**Minutes–**

**MOTION:** Mr. Fillio **MOVED** that the Board accept the minutes of the August 19, 2004 meeting. Mr. Madej seconded and the motion carried unanimously.

Mr. Day informed the Board that the minutes from the work session of September 9, 2004 were handed out at this meeting. These will be accepted at the October meeting.

**Correspondence –**

Mr. Day stated that there is an OEP zoning conference in Waterville Valley on October 30. He stated that the first track is basic stuff and the second track is State Development Plan Citing of Renewable Energy Generation and Wetlands Ordinances and Soil Based Lot Sizing. He added that the last one sounds like it might be interesting. He asked that if anyone was interested, let Debbie Gallant at the Town Offices know. He stated that the deadline for registration is October 22. He noted that the Planning Board meets on October 21, the day before.

Mr. Day noted the Abutter Notice received from Glenn Coppelman from the Kingston Planning Board. He stated that East Kingston is an abutter and someone is trying to do something at the Clay Pond Development. He added

that the hearing is next Tuesday, September 21 at 7:30 in the Kingston Town Hall Conference Room. Mr. Day stated that that property used to be a campground and someone tried to develop it as a bottling plant.

Mr. Day stated that October 1, 2004 is the court date for the second suit that the Town has been dealing with. Mr. Fillio will attend. Mr. Day stated that Mr. Postle has made a motion for a reconsideration of the Judge's decision. Mr. Day stated that Larry Edelman said that the Judge could come back with a decision anytime from today to two months from today.

NROC – Mr. LK Smith stated that the Education Outreach session will be October 5 in the Town Hall at 7:00PM and if they don't finish that night, they will come back on October 12. He added that the next regular NROC meeting will be November 2 at 7:00PM, which is election day, but the polls will be closed by 7:00PM. He added that they will have a table at Old Home Day, rain or shine.

With regard to the CIP, Mr. Day asked if Thursday, October 14 would be a good day to meet. Ms. Carriel checked if this required a public hearing for this or not and she stated that she didn't think it did need a public hearing.

Mr. Day stated that the October 21 Agenda is full.

#### **Housing Chapter Recommendations**

Mr. Day stated that Ms. Carriel has prepared the Housing Chapter. Mr. Day noted that the data is four year's old and Ms. Carriel included a disclaimer under 1.0 Housing Demographics: "The data presented in this chapter are from a variety of sources and years, and are utilized here primarily for broad comparison purposed to develop an overall picture of the existing housing situation. As such, care should be taken if the data is to be used for more detailed analyses, as inconsistencies between data collection methodologies and dates do exist."

Mrs. Belcher stated that she had a question about the second paragraph: "At a regional level, however, the availability of affordable housing has not kept pace with housing construction." She asked how this would be addressed. She stated that it notes the Town's deficiencies, but it should also include a resolution to accommodate those deficiencies. Ms. Carriel stated that the chapter is structured to achieve this.

Discussion ensued regarding Mr. Day's Recommended List of Recommendations Paragraph in the Master Plan Housing Chapter, which Mr. Day stated he took from the past work session, past meetings and Ms. Carriel's recommendations. Mr. Burton asked if #3 and 6 were really different, to which Mr. Day stated that #6 is an existing ordinance and very specifically described, i.e., "The Planning Board should reexamine the East Kingston Single Family Cluster Residential Development Ordinance to make it more competitive with other forms of development permitted in Town."

Mr. Day stated that #3, i.e., "The Planning Board should propose a zoning ordinance (or change) which would mandate that all subdivision proposals first take the form of 'conservations or open space' development." He added that the Town of Durham has taken this approach and this could be under "General Provisions", which would dictate that all applications coming to the Board will be open space developments and the open space ordinance will be #6 as noted above.

Mr. Burton noted Mr. Day's Recommendation #2: "The Town should define, and the Planning Board propose zoning district overlays to describe conservations districts, village districts, rural and agricultural open space districts, and commercial districts wherein permitted land uses, lot sizes, and population densities can vary, distinguishing each district from the others". Mr. Burton asked if "consider" should be used in place of "propose" because the village districts and commercial districts probably will involve more discussion with the public. All members were in agreement. Mr. LK Smith stated that there is a wetlands conservation district in an overlay that covers the whole town. It was also agreed that the word "additional" would be added after "consider" to read: "The Town should define, and the Planning Board consider additional zoning district overlays..."

**MOTION:** Mr. RA Smith MOVED that the Board accept the Housing Chapter revision and have a public hearing in October. Mr. Fillio seconded and it was decided that the vote on the motion would be held in abeyance until after the public bearing on tonight's Agenda so that more time can be spent working out the details.

PUBLIC HEARING— FOR 1) PROPOSED SUBDIVISION REGULATION CHANGES TO SECTIONS VII, XI, XVII, AND APPENDICES A AND G, AND 2) PROPOSED SITE PLAN REVIEW REGULATION CHANGES TO SECTION IV, SITE PLAN REVIEW PROCEDURES, AND THE APPLICATION FOR SITE PLAN REVIEW.

Mr. Day opened the public hearing.

Mr. Day stated that he Subdivision Regulation changes are mostly focused on cinching up details. They are:

Ref: NH RSA 676:4

**A) SECTION VII – GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

Paragraph X.1. fire Ponds b.4.): *AMEND* to read:

*“A bituminous concrete (asphalt) approach sufficient to bear East Kingston fire apparatus shall extend 12 feet in width and 40 feet in length parallel to the roadway to allow easy access by fire apparatus.”*

Mr. Day noted that this change was prompted by the Fire Department and he added that around town paving has been started. MR. LK Smith stated that it is better to have them paved because it's easier to maintain and the truck won't get stuck in the mud.

**B) SECTION VII – GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

Paragraph S.2. Cisterns subparagraph beginning “A gravel approach 12 feet wide...” *AMEND* to read:

*“A bituminous concrete (asphalt) approach 12 feet wide and 40 feet long parallel to the roadway, and sufficient to bear East Kingston fire apparatus, shall be provided for fire apparatus access.”*

**C) SECTION XI – THE FINAL PLAT**

Paragraph B. *AMEND* by *ADDING* subparagraph 7. to read:

*“7. The location of the nearest fire suppression water source, with the numerical distance measured in linear feet along Town or State roadways to the nearest newly created lot boundary indicated on the plan, and clarified with a compass heading from the lot boundary.”*

Mr. Day stated that this is for the benefit of those looking at a plat and looking for fire suppression. He added that the Board has been asking developers to do this already.

**D) SECTION XVII – PROCEDURE FOR OBTAINING APPROVAL FOR SUBDIVISION**

Paragraph C. Submission Requirements – Subdivision *AMEND* subparagraph 1. to read:

*“1. Five copies of the engineered plan, ten 11X17” copies of all plans, and five copies of...”*

*AND* subparagraph 2. to read:

*“2. Correct names, addresses, and tax map, and lot numbers of owners of record of abutting properties, including those across any street or street, and within 200 feet of the boundary lines of the parcel in question.”*

Mr. Day stated that this refers to people considered to be abutters. He added that the state does not require this 200 feet, this is an East Kingston requirement. He stated that this makes the subdivision regulation read the same as the site plan regulation.

**E) APPENDIX A – APPLICATION FOR SUBDIVISION APPROVAL**

and

**APPENDIX B—APPLICATION FOR LOT LINE ADJUSTMENT APPROVAL**

Paragraph beginning "Name & Addresses of all Abutters..." **AMEND** the last sentence to read:

**"Five full-sized copies of the engineered plan, ten 11X17" copies of all plans, and five copies..."**

**F) APPENDIX G—LOT LINE ADJUSTMENT APPLICATION CHECKLIST**

Checklist line beginning "Three (3) full size copies and ..." **AMEND** to read:

**"Five (5) full-sized copies and ten (10) 11X17" copies of the plan showing the following..."**

Mr. Day opened the hearing for any comments, of which there were none.

**MOTION:** Mr. RA Smith **MOVED** to accept the changes and incorporate them into the Subdivision Regulations. Dr. Marston seconded and the motion carried unanimously.

Mr. Day stated that there are three changes to the Site Plan Review Regulations:

Ref: (a) NH RSA 676:4

**A) SECTION IV – SUBMISSION REQUIREMENTS**

Paragraph B. Site Plan: 2. and 6. **AMEND** to read:

**"2. Ten sets of 11X17" plans (Amended 1/18/01 & 7/15/04"**

**AND**

**"6. Five (5) prints of each plan sheet (blue or black line) (Amended 7/15/05)"**

**B) Site Plan Review Procedures Paragraph C. Plan: 2. Plan: 2. **AMEND** the first sentence to read:**

**"Correct names and addresses of owners of record of abutting properties, including those adjoining or directly across any street or stream, and within 200 feet of the boundary lines of the parcel in question."**

**C) Application for Site Plan Review Paragraph 11. Abutters: **AMEND** the first sentence to read:**

**"Attach a separate sheet listing the Town of East Kingston Tax Map, Block and Lot Number, Name and Mailing Address of all abutters, including those across the street, brook, or stream, and within 200 feet of the boundary lines of the parcel in question."**

**AND**

Paragraph 12.b. **AMEND** to read:

**"Five (5) copies of the Plan and ten 11X17" sets of plans, including all pertinent information as required by the Site Plan Regulations, Sections IV and V. (Amended 1/18/01 & 7/15/04)"**

Mr. Day opened the hearing for any comments, of which there were none.

**MOTION:** Mrs. Belcher **MOVED** that the Board accept the Site Plan Review Regulation changes as presented. Dr. Marston seconded and the motion carried unanimously.

Mr. Day closed the hearing.

Mrs. Belcher requested the Chairman correspond with the Board of Selectmen regarding the fact that this was the third meeting no Selectmen representative was present. She stated that it is important that everyone is on the same page and that the Board of Selectmen understand the actions and the decision of the Planning Board. Mr. Burton agreed and stated that considering the changes that are afoot in terms of regulations that the Planning Board is taking on, it is important to have the Selectmen represented at all the meetings. Mr. Day stated he will make contact.

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. Dennis Quintal appeared for the applicant, Mr. Paul Masone. Mr. Day stated that the latest revision was 8/25/04. He added that the Board has received a traffic generation study, a copy of a letter the engineer forwarded to Mr. Allan Garland regarding questions about signage and the intersection itself in view of increased traffic demand and a copy of a letter he sent to Mr. Garland at the beginning of the week asking the same questions coming from the Planning Board.

Mr. Quintal stated that this is the same plan presented before. He stated that they have sent in the waste disposal plan to the state to get final approval on that. He said that they have changed the type of lights and the detail of the lighting, which are directed downward and are on page 4 of the plan. He stated that on page 5, they identified the parking spaces with numbers even though it is supposed to be gravel area. He said that curb stop bumper blocks are placed against the building. He added that the calculation is on that page for the number of spaces (76). He said that they have added directional signs at the intersection coming in indicating where the numbered buildings are located.

Mr. Quintal stated that as far as the traffic is concerned, they did a traffic analysis and during the peak hour trucks are entering at one per minute. He added that it is not a high traffic situation at this time and he believes the intersection is adequate. He stated that it is designed to state requirements and that is what the permit is for. He stated that he has not as of yet spoken to Mr. Garland and he wants to get something in writing for the Board's file.

Mr. Quintal stated that he has gotten in touch with Carl Husey from the Department of Transportation Traffic Sign Division in Concord (271-2291) regarding a sign to be placed in the street on 108 to let people know about trucks entering. Mr. Quintal stated that Mr. Husey told him that that type of sign is not allowed on this type of street. Mr. Husey said that it is an informational sign and not for the general public, but the private industrial park. Mr. Quintal stated that Mr. Husey told him that the property owner could install a road name sign.

Mr. Masone showed pictures of the street sign "Industrial Way" he purchased from New England Barrier. He stated that this sign catches the eye before the "Industrial Park" sign, which is set back. He stated that he has spoken to one of the abutters (Dave Heckman) who has agreed to look at a sign and possibly let Mr. Masone place it on his property. Mr. Masone stated that this should also satisfy the abutters.

Mr. Quintal stated that the DOT will put up temporary signs "Trucks Entering" if road improvement is going on. Mr. Masone showed a yellow road sign he would like to put on Mr. Heckman's lawn, which read, "Caution, Industrial Park on left, slow". Mr. Day stated that he thought there were too many words. Discussion ensued as to where the sign should be placed. Mr. Burton said that he thought people would not be used to seeing that type of a sign and they may not notice it in time. Mr. Quintal stated that they would put the sign anywhere the Board wanted it to go. Mr. Fillio stated that if the type of sign is not in the federal manual for street signs, then it can't be put up. Mr. Fillio stated that if the DOT won't put up a sign, then Mr. Masone has done everything he can do. Mrs. Belcher stated that her reasoning for having additional signs up has nothing to do with the abutters, it has to do with whether or not there is adequate vision to see where the entrance is. Mr. Burton stated that there has to be some sort of federally approved sign to this effect. He suggested finding the sign manual and picking one that is appropriate. Mr. Day suggested Mr. Quintal get something in writing to the effect that "no you can't do this and this is why". Mr. Fillio stated that the Board should not be recommending that any applicant do something that is not legal. Ms.

Carriel added that the Town should also contact the DOT regarding signage. She also stated that she agrees with Mr. Fillio that you can't just put up any sign anywhere.

Mr. Quintal stated that some sort of conditional approval would be helpful for the applicant so that he can get started with the ground work.

Ms. Carriel stated that she took her review memo from the August meeting and reviewed it in light of the revised plans. She stated that there are a couple of action items that still need to be addressed. She asked if the revised lighting fixtures change the photometric plan. Mr. Quintal stated that the wattage matches and that the Board had asked for a hood on the lights so that they light only shines down. She added that the Board must consider the 11 items in Art. V, Section E for the uses. Ms. Carriel stated that some of these items have been addressed throughout the discussion. Ms. Carriel asked if the Board is satisfied with the architectural rendering. She stated that it is her understanding that this will not be going out for engineer review. She asked if there were any outstanding issues of fire suppression. She stated that the parking item has been addressed. She stated that she wanted to confirm that the Board is satisfied with the landscaping plan. The next item was the hours of operation and the waiver requests for lighting and soil information, which she believed was submitted on previous applications. She stated that the last item of her review is state septic approval is required to be noted on the final mylar.

Mr. Day stated that as far as architectural requirements, these are the same as the building already erected. Mr. Masone stated that they are the same color. Mrs. Belcher stated that keeping them consistent with what's already there would be more aesthetically pleasing than adding another style. Mr. Masone stated that they have galvanized roofs and are green with white trim.

Mr. Day stated that he didn't think anyone was thinking about an engineering review. Mr. Day told Mr. Conti that he thought it would be appropriate for the Board to have a note from the Fire Department saying that this site plan has been reviewed and it meets the standards. Mr. Conti stated that they would only be concerned about the new tenants, but he will provide a letter. Mr. Day noted the landscaping plan including the American Holly, which he said does not do good in this area. Mr. Quintal stated that they will have the septic system approval in the next week or so.

Mr. Day noted the hours of operation and stated that there is a lot of controversy surrounding this. Mr. Day stated that he looked at the 1999 site plan review before Mr. Masone was the owner. Mr. Day stated that the Board may have to consider imposing some sort of hours of operation for these tenants. Mr. Masone stated that one of his tenants (Donny Jensen) has a unique situation where he has a company that on any given day in the winter can be called upon in an emergency. He asked the Board how to restrict that to hours of operation because if there is an ice storm or an outage in the neighboring town, Unitel will give him (Donny Jensen) a call and he has to do a service call.

Mrs. Belcher stated that it's not the delivery trucks or repair trucks, it's the tractor trailers. She added that there have been complaints since Day One. She said that when it was a lumber company, the gates were closed at 4:00PM. She stated that it is unacceptable to have business deliveries in a residential neighborhood past that hour.

Mr. Day made a suggestion to make any future tenants comply with hours of operation. Mr. Day stated that Mr. Masone has been before the Board four times, and at no time was hours of operation been imposed. He added that in 1999, there were no conditions imposed and the discussion actually focused on not restricting someone's way of making a living. Mrs. Belcher stated that she felt they could come up with some sort of compromise. Mr. Masone stated that the Board has approval over any new tenants. Mr. Day suggested making a condition that there be a note on the plan stating that all new tenants shall accept hours of operation to regulate noise generated by business activity.

Mrs. Belcher stated that she thought it would be a good idea to list the 11 items on the plans. Mr. LK Smith suggested just referencing the 11 items on the plan.



Mr. Burton stated that the biggest problem here seems to be the tractor trailers entering any time day or night. He added that not much can be done about the businesses that are already there, but the Board can require that this issue be reviewed with future tenants.

Mr. Day suggested that the hearing be continued and in the meantime get the signage question resolved and settle on what the conditions for a conditional approval will be.

Mr. Masone implored the Board to reconsider granting a conditional approval at this meeting so that he can start the work. He noted that each and every time he has a tenant, these questions will come up and the Board will have the final decision of any tenant. He stated that he has a commitment to get the work done before the end of the year. He stated that if he doesn't get concrete poured within the next 30 days, he won't be able to get anything done this year. He said that he would do anything the Board wants him to do.

Mr. Day stated that Mr. Masone's economic problems are not the Board's concern. Mr. Day asked the Board to express their opinions on this. Mr. Fillio stated that the Board has talked about the same things every time. He stated that delaying this is the Board's fault, not Mr. Masone. He added that it took two meetings for Mr. Masone to have the first two buildings approved and this is the fourth time he's been here for these three buildings.

Mr. Burton asked to have clarified what is the Board actually waiting for that can't be just part of the conditional approval. He added that he doesn't see anything that looks like it's not in the same kind of shape that the Board has approved other projects be in the conditional approval stage.

Mrs. Belcher said she tended to agree and read off the five items still outstanding: a letter from the DOT; hours of operation notation; two waivers; a septic system approval and a letter from the fire department. She stated that even though she has a big issue with the hours of operation being set in stone, she thinks the items are all administrative.

Mr. Smith stated that he is ashamed that a conditional approval hasn't been done before. He added that Mr. Masone has been in operation for five years and the Board should let them do it now.

Mr. Madej agreed with Mr. Smith that it has been dragged out and the Board is going over and over the same things. Dr. Marston stated that the Board should give conditional approval. Ms. Carriel said that the only thing to her that seems to be outstanding is the issue of the DOT response and how the Board wants to handle that. She noted that if the DOT comes back with a response regarding the signage that the Board is not happy with, then the opportunity to hash it out is gone. Mr. Day stated that the Board has not made that a condition for approval. Mr. Fillio stated that that may be a function of the town. He stated that the town can go to the state and tell them that it wants a sign there because of safety issues; the town can fight that fight. Mr. Quintal stated that if there is anything the state wants done, Mr. Masone will comply.

Mr. Quintal stated that he has not spoken to Mr. Garland regarding the driveway. He stated that the application before met the DOT's requirements for traffic going in and out of there. He added that he has sent them the traffic study that shows there are no major problems at one vehicle per minute. Mr. Quintal stated that he thought it would be best to have the driveway approval by the DOT as part of the conditional approval.

Mr. Day opened the floor to a hutters, of which there were none and then he closed the floor to abutters.

Mr. Day listed the conditions for approval:

1. State septic system approval is coming.
2. Fire Department approval of fire suppression and safety system.
3. A note on the plan stating all new prospective tenants shall be brought before the Planning Board for review and approval.
4. Note on the plan stating all new prospective tenants shall accept hours of operation to regulate noise generated by business activity.
5. Final plans to include a note on the sheets to be recorded indicating they are part of a four (4) page plan set on file with the Town.
6. Obtain written confirmation from New Hampshire DOT that the present driveway permit remains adequate

7. All fees and charges due the Town in connection with the subdivision, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Senior Planner, and Fire Department, and administrative costs incurred by the Town be fully discharged.
8. Final mylars for plan pages 1 and 2 to be submitted to the Board for Chairman signature and recording.

Mr. Day stated that the next order of business is the waiver requests:

SPR Sec. IV.B(11) – Site Specific Soils Mapping. Mr. Day stated that the Board has the waiver request and he stated that Mr. LK Smith has suggested that everything is in order and there is no wetlands disturbance. Mr. LK Smith stated that nothing is changing as far as the soil is concerned.

**MOTION:** Mr. RA Smith **MOVED** that the Board accept a Site Specific Soils Mapping waiver (SPR Sec. IV.B(11)). Dr. Marston seconded and the motion carried unanimously.

**MOTION:** Mr. RA Smith **MOVED** that the Board accept a Lighting waiver (SPR Sec. VIII.F.4). Dr. Marston seconded and the motion carried unanimously.

**MOTION:** Dr. Marston **MOVED** that the Board grant a conditional approval with eight conditions to Paul Masone, 213 Haverhill Road, MBL 11-2-17, involving the construction of three (3) light industrial buildings (PB#04-OB). Mr. RA Smith seconded and the motion carried unanimously.

Mr. Day closed the hearing.

**DISCUSSION ONLY – CHRISTIAN SMITH REGARDING A CONSERVATION SUBDIVISION AND ROADWAY CONFIGURATION ON ROUTE 107A.**

Ken Healy from Beals Associates came before the Board representing the applicant, Bruce Nadeau, for the property located at 21 Burnt Swamp Road. Mr. Healy stated that they are there for a preliminary discussion of a project shown as Tax Map 10 Lot 8. He stated that the proposed project is a cluster development with a total of 16 lots and approximately 2,833 feet of roadway. He added that they had initially looked at a conventional subdivision layout with 16 lots and 3,300 linear feet of road. He stated that as time went on, it was their opinion that a cluster configuration was best suited for the parcel. He added that that design preserves open space in the northern area as well as provides two points of access. He pointed out where the buffers are located and this design allows open drainage treatment swales and vegetative filter strips to deal with run-off, which results in less maintenance for the town than a closed drainage system.

Mr. Healy stated that they met with Maura Carriel and reviewed two cluster configurations, one was the single access and the other was the dual access. Ms. Carriel recommended coming before the Planning Board to get their input prior to filing a formal application. Mr. Healy stated that he was hoping to get input on the preliminary layout and consensus as to whether the Board is in agreement with the cluster configuration with two access points.

Mr. Day stated that this forum is for discussion purposes only and nothing is binding on either party.

Mr. Healy stated that the farthest point on the conventional design from the entrance to the back of the loop is approximately 1,500 feet. Mr. Day stated that the maximum cul-de-sac length allowed is 1,000 feet. Mr. Healy added that they didn't like the conventional design because there is an existing pond that has been used to extinguish a fire in the past and they would clean out the debris and sediment and increase the capacity of it.

Mrs. Belcher asked what the name of the company is and Mr. Nadeau stated DeBross Builders; his previous business was Best Homes. She asked Mr. Healy to show where the roads were located. Mr. Healy stated the first house would be 250 feet from Burnt Swamp Road. Mrs. Belcher stated that she thought there would be serious drainage issues.

Mr. LK Smith stated that the conventional plan encroaches on the steep slope and the number of lots that would be allowed on the plan can be no more than what you would be allowed on a standard subdivision. He added that on a standard subdivision, it would not be allowed to put lots on the steep hillside. Mr. LK Smith stated that the zoning ordinance states that subdivision development must not be inconsistent with the recommendations of the Master



Plan. He added that the town's Master Plan recommends no development on slopes over 15%. Mr. Healy stated that the owner could excavate down to 8 feet and then build it. Mr. LK Smith stated that that is not the point of the Master Plan, which discourages development on slopes in excess of 15% and there are 25% slopes up there, therefore, it cannot be developed and if it can't be developed, that area cannot be used in the calculations for a cluster.

Mr. Nadeau disagreed.

Mr. Burton read from the ordinance Article XI – Single-Family Cluster Residential Development (F): "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." Mr. LK Smith stated that a standard subdivision would not be allowed on that steep of a hill. Mr. Burton read on "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. Day read from the Subdivision Regulation, Section III – Purpose and Intent (C): Subdivision and development shall be harmonious with the Town and its environs. Development must contribute to a rational and safe transportation system, provision of appropriate recreational opportunities, and must not be inconsistent with the recommendations of the East Kingston Master Plan.

Mr. LK Smith noted the Master Plan Natural Resources Chapter, Item 5 under Recommendations "Slopes". Mr. Day read, "...falls into this category can be found on Morse Hill...", which he stated is the property, "...and along the Kensington line and North Road... This slope places severe limitations on most any type of development. For all of the reasons cited above, it is strongly recommended that local land use regulations discourage development on slopes in excess of 15% and also discourage the construction of roadways with gradient that exceeds 10%."

Mr. Day stated that that being the case, he is in agreement with Mr. LK Smith that the density calculations for the standard subdivision might have to be re-examined. Mr. Healy concluded that his standard plan would not be acceptable and that the Board prefers the two access plan with fewer lots.

Mr. Day stated that the Board likes the idea of a loop road. Mr. Nadeau stated that there is a septic system that is going to be removed.

Discussion ensued regarding the placement of the streets and where the existing houses are located. The locations of open spaces were also discussed.

Mr. Day directed Mr. Healy and Mr. Nadeau to go back to the drawing board and find out what a standard subdivision will yield. Mr. Nadeau had some problems with the fact that area could not be used to calculate the density just because it's unbuildable.

Mr. Burton stated that the Board has to comply with the ordinances.

Mr. Day closed the discussion.

**Master Plan Housing Chapter** Mr. Smith made a motion earlier and Dr. Marston seconded it to accept the revisions as presented with the recommendations and to hold a public hearing next month. Mr. Day asked for any further discussion.

Mrs. Belcher stated that she did not understand Ms. Carriel's Recommendation #5. Mr. Day stated that the base of that was Ms. Carriel's recommendation that the Board amend the zoning ordinance to allow mixed use developments, that is, residential with commercial and the source of that was the Smart Growth Assessment that was done. Mr. Day read the recommendations: "The Planning Board should propose zoning ordinance change which would permit mixed land use developments." Mr. Burton stated it is similar to a village district. Mrs. Belcher stated that she was afraid of that one because it was so broad. She added that she would include a village concept proposal, but not let it stand on its own. It was agreed that #5 would be removed.

There was discussion involving stating different types of housing. Mr. Burton stated that it does say "an assortment of residential forms, configurations and densities". Ms. Carriel stated that if the Board is trying to allow or accommodate opportunity for different housing types, then mention somewhere under which of these concepts it's going to be done. Mr. Burton stated that the language is as clear as the Board is able to be at this time.

Mr. Day stated that the motion is to accept the revised recommendations of the Housing Chapter and post a public hearing for October 21 at 7:30PM. The motion carried unanimously.

**ADJOURNMENT:**

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

Respectfully submitted,

Recording Secretary

Approved by: 10/21/04