



**PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire**

2020-2021
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

Approved MINUTES
Zoom Meeting – September 17, 2020
7:00 pm

The Town of East Kingston Planning Board met remotely through a video conference (Zoom) meeting, Thursday, September 17, 2020 at 7:00 PM. Due to COVID-19, and pursuant with NH Emergency Orders, no public meeting location was utilized.

AGENDA:

Continued Public Hearing for Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 14-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) - Barry Gier / Jones and Beach

Board Business – Continued Light Industrial Park discussion

Members Present: Chairman Joshua Bath, Vice Chairman Tim Allen, Dr. Robert Marston, Ex-Officio Bob Nigrello, and Emily Andersen.

Advisors Present: RPC Senior Planner Julie LaBranche.

Also present: Mr. Barry Gier PE / Jones and Beach representing the Wayne R. Ewald Revocable Trust; applicant Sal Ragonese, Atty Josh Lanzetta and various residents of the Town of East Kingston.

Mr. Bath announced that Dick Poelaert, former Selectman and Planning Board Ex-Officio, has passed away recently and acknowledged his appreciation and the value of his wisdom over his years of service. He will be missed by many.

Chairman Bath made a statement regarding video bombing:

If tonight's meeting is interrupted by outside sources, this meeting will be immediately terminated and public hearings will be continued and rescheduled to another date and time to be announced and published. We ask for understanding and patience for any technical difficulties that may occur during the meeting.

Vice Chairman Allen noted if there are problems during the meeting connecting, to call him at the number he is providing so he would be informed that someone could not connect and either provide guidance to connecting or terminate the meeting as it a requirement the meeting be available to the public.

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:00 pm by Chairman Bath.

As Mr. Caswell is absent, Mr. Bath appointed Ms. Andersen as a voting member for tonight's meeting.

Mr. Bath also announced that Scott Orleans has regrettably resigned his alternate position due to conflicts with his work schedule.

Minutes:

Mr. Bath asked for a **MOTION** to approve the August 20 minutes.

Mr. Allen **MOVED** to approve the August 20 minutes as presented; second by Mr. Nigrello.

Mr. Bath – aye, Mr. Allen – aye, Mr. Nigrello – aye, Ms. Andersen – aye. Vote is unanimous.

Mr. Bath **MOVED** to approve the minutes of the September 3 Light Industrial Park Site Walk; second by Mr. Allen.

Mr. Bath – aye, Mr. Allen – aye, Mr. Nigrello – aye, Ms. Andersen – aye. Vote is unanimous.

Continued Public Hearing for Subdivision application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 14-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) - Barry Gier / Jones and Beach

Mr. Bath opened this public hearing and thanked Mr. Gier for the revised information submitted to the Board on September 11. Unfortunately, since it was not within the 2-week submittal timeframe before a scheduled meeting and the board had not had adequate time to review the new material, they would not be voting on this tonight. Mr. Bath invited Mr. Gier to present the information preliminarily, but they would not approve or make determinations on the submittal. Planning Board members and the public may have questions and the applicant will have an opportunity to respond. Then the application will be continued until the October 15 meeting.

Mr. Gier shared the screen with his plan. He reviewed at the last meeting the applicant had submitted three different concepts to the board at their request to alleviate concerns with the road connection with Route 107. The Applicant had ascertained the cul-de-sac plan (CP-10) was the most viable and was preferred by the Police Chief and DOT, but the board had not agreed and did not support that concept. They have moved forward and addressed concerns with the design. The applicant had an independent traffic study done by Stephen Pernaw who determined the proposed intersection is safe. He had several recommendations for improvements including widening the throat to 30 feet of the entrance onto Rt. 107, and adding intersection warning signs.

Mr. Bath noted Town Engineer Dennis Quintal acknowledged receipt of the updated information, but had not had a chance to review the materials and due to a prior commitment, is unable to attend tonight's meeting. He will review the materials at his earliest convenience and report his findings to the board.

Mr. Gier noted this revised plan set does not have the changes suggested by Mr. Pernaw which were inadvertently left off; but they will be included in the next plan set (widening the entrance to 30' at the intersection of Rt. 107 and adding the intersection warning signs).

They have been working with DOT on the roadway connection to Rt. 107 and have received verbal approval. They anticipate driveway approval within the next couple of weeks.

Mr. Gier noted they had incorporated all the Town Engineer's comments from the last meeting into the new plans: all protected well radii are located within each individual lot or open space and not extending over the drainage treatment areas; security fencing was added around the drainage treatment areas; and they have submitted buoyancy calculations for the cistern.

Mr. Bath questioned the intent the new proposed future right-of-way. Mr. Gier noted it was in anticipation of any potential future expansion/extension of the subdivision and noted it was usual to include in a subdivision plan. It will also provide access to Drainage Area #1.

Mr. Bath asked if the proposed roadway would exacerbate the concerns for the connection with Rt. 107? Mr. Gier answered it was just for potential future expansion, but there were no plans to do so at this time.

Mrs. White reviewed that at a past meeting the connection had been requested by the owner of the golf course in the event it no longer was operating as a golf course and might be open for a future development.

Mr. Allen observed the most recent submittal did not have a copy of the yield plan; Mr. Gier apologized and stated would be included with the next plan set.

Mr. Bath reviewed the board had accepted the yield plan at the May meeting “*with the caveat traffic study issues at the intersection of the Tilton Lane Subdivision where it meets Route 107 are unresolved and must be mitigated to Planning Board satisfaction as the project moves forward to the cluster portion of the subdivision project.*”

Mr. Allen stated that although subdivisions usually suggested future connections, this particular subdivision already has traffic issues that concern the board and town officials. The thought a future subdivision might add more traffic to that would be irresponsible at this point.

Ms. LaBranche noted the DOT letter stated they were *conceptually* approving the driveway location pending receipt of 4 items they have requested. It also calls for a driveway cut to be discontinued on Lot 18 prior to any approval of the Tilton Lane driveway access. Mr. Gier stated they have provided those items to the DOT but have not heard back from them.

Ms. LaBranche noted as the items were relevant to the planning boards review of the project, they would request a copy of what was sent to the DOT to be provided to the planning board. Mr. Gier agreed to provide a copy with the next plan set.

Mr. Allen asked what the plan was to eliminate the second driveway on the corner lot. Mr. Gier noted the portion of the driveway on the corner lot accessed by Rt 107 will be eliminated and they will seed and loam the area.

Mr. Allen asked what shifted to make space for the 50' ROW? Mr. Gier reported that lots 2 and 3 were made a little smaller but are still within the required area. All open space requirements were met in excess, with 51% of the project being open space. They have also provided almost double the required upland area in the open space.

Mr. Bath asked about the wildlife corridor. Will the buffer zone help with the concern for the corridor? Mr. Gier noted it was an open space project and therefore has a lot more wildlife corridor than a typical project. He believes the buffer areas will provide a corridor for wildlife.

Mr. Allen is happy with the 100' buffer around the subdivision. Will the utilities be underground or above ground? Mr. Gier reported the electrical will be above ground; sewer and water will be on site. Mr. Bath asked about gas. Mr. Gier noted there was gas on Tilton Lane and it would most likely be extended.

Ms. LaBranche asked where would the utility poles would be located? Mr. Gier answered most likely on the individual lots, but in certain places might need to be placed in the right-of-way in which case they would obtain easements. Ms. LaBranche asked for that information be included if necessary to be on private lots.

Mr. Allen asked if there was any flexibility between above- and under-ground utilities; Mr. Gier would speak to the applicant in regard to that question.

Ms. LaBranche asked which plan the utilities would be shown on? Mr. Gier noted most likely on C-2 and either PP-1 or PP-2.

Regarding the 50' ROW, if that is included in the homeowner's association it would mean a vote would need to be taken by the homeowner's association for any future use of that land. Mr. Gier noted it was not part of the open space, but adjacent to it. Ms. LaBranche noted someone needs to have ownership of that plot of land. Mr. Gier noted they would resolve that before the next meeting.

Ms. LaBranche had concerns re: platting a 50' ROW adjacent to a piece of land and that the board should contemplate that in regard to the potential for future development on the adjacent property with the concern they have in regard to the traffic issues. Mr. Gier noted the ROW was good planning practice, but not absolute.

Ms. LaBranche also asked about tree clearing on the site. She inquired if there was a plan to retain trees or was the applicant planning on clear-cutting the lots? Would trees be left between lots? Mr. Gier stated that most homebuilders are conscious of which trees will be removed for construction. Trees will need to be removed for the roadway but the builder will be particular about what is removed. What needs to be removed will depend on where the houses, wells and septic will be located. The applicant will retain as many trees as possible.

Mr. Allen asked if sidewalks were planned; Mr. Gier stated no; there would be a road and a shoulder.

Since the last meeting the applicant has contracted the services of an engineer for a new traffic study. This traffic study has not been reviewed by the board as of yet. Ms. LaBranche suggested an independent review of the new study comparing it to the review the board had initially requested. She also intimated there would need to be compensation for that comparison review which should come out of the escrow funds. Mr. Gier noted the original traffic study was done at the board's request (which came out of the escrow fund) and then the applicant decided to have an additional study which he paid for. He was skeptical the applicant would want to pay for review for a traffic study that was conducted outside of the board and thought the suggestion to be outside the scope. He suggested the board members read both studies on their own.

Ms. LaBranche noted the new plan seems to rely on the new traffic study which contains technical information board members may or may not be qualified to evaluate. It appears the new study relies on traffic volume data and not on the traffic safety issues the board has raised since February with respect to road geometry, line of site, curvature and winter weather conditions. There needs to be some coming together of the two traffic studies. The Planning Board can require outside review of information received; this is a point of discussion. Mr. Allen suggested board members review the new study and if there are discrepancies or items not understood, they can then ask for additional expertise.

Atty. Lanzetta understands Ms. LaBranche's concerns but noted this is par for the course for subdivisions of this size. He noted they could ask Mr. Pernaw to attend the next meeting to answer any questions in regard to his study, but he has never heard of a third expert being hired to review two traffic studies for comparison.

Mr. Bath asked if Mr. Pernaw visited the site; Mr. Gier stated he did. Mr. Allen opined having Mr. Pernaw attend the next meeting would be helpful to answer questions; Mr. Bath agreed.

Ms. LaBranche asked for the length of the driveways on Lots 12 and 13 to be detailed in the next plan.

Mr. Allen wanted to know if it was acceptable to add the driveway being eliminated, the widening of the throat of the driveway, and the signage on Rt. 107 before the report from the DOT? Mr. Bath agreed that would be fine as it was pending. Ms. LaBranche reminded Mr. Gier that Mr. Quintal still needed to review the plans and may have additional questions and comments before they generated another plan.

Mr. Bath brought up the Freedom of Information request 91A and the attorney's invoice. There seems to be an impasse in agreement between Atty. Lanzetta and Atty. Courtney on whether the applicant should pay those fees, and it was requested Atty. Lanzetta ask if the applicant was willing to absorb the cost. Atty. Lanzetta said he had never been billed for a 91A request and does not believe the escrow agreement covers this cost. He was surprised he was not notified information might need to be redacted, and also that any would need to be. Mr. Bath opined the issue needs to be resolved as payment of any monies owed to the town could be a determining factor in the approval of the subdivision.

Ms. LaBranche noted that at a prior meeting the applicant had put forth 3-4 different proposals for the board to review but there was never any vote or formal request for waivers or adjudication by the planning board. Since there was no formal plan put forward for any of the proposals, it is incorrect to say the board rejected the cul-de-sac plan. Mr. Allen agreed and noted it had been his personal opinion that he was not in favor of the cul-de-sac, but there had been no board vote.

Mr. Gier stated he had asked for a straw poll of the concepts and the only feedback they received was from multiple members of the board indicating they would not support the waivers required for the cul-de-sac design. Mr. Bath noted the reason for the additional proposals was because of the level of concern they have with the Rt. 107 entrance.

Mr. Bath opened the floor to abutters.

Mr. Gordon Powers, 26 North Road – abutter - he likes the present plan as it does not direct all the traffic down Tilton Lane; he was not in favor of the cul-de-sac design. He and the neighbors are in favor of underground utilities. Does the board approve the placement of utilities on the plan before it gets accepted? Mr. Bath noted the applicant would need to decide if he would consider underground utilities.

Mr. Bath continued the public hearing application for the Wayne R. Ewald Revocable Trust, 14 Tilton Lane (MBL 14-03-12) and Pamela A. Ewald, 2 North Road (MBL 14-03-07) for a 17-lot cluster subdivision (Tilton Village Estates, LLC) to the next Planning Board meeting on October 15 2020; second by Mr. Allen.

Mr. Bath – aye, Mr. Allen – aye, Dr. Marston – aye, Ms. Andersen – aye. Vote is unanimous.

Other Board Business

Continued discussion of Light Industrial Park – Mr. Bath reviewed that a site-walk of the light industrial park had been conducted on Thursday, September 3 with planning board members, the Town Engineer, and the Fire Chief. Ms. LaBranche has walked the park on her own and had submitted information and pictures. A letter had been sent to Mr. Masone with copies of the pictures via email and postal mail. We have had no response. Mr. Masone has until September 30 to reply.

Things have improved some since Mr. Bath’s April visit, but there are still many issues to be resolved. The status of the wetlands permit is not known at this time.

October Meeting – Mrs. White noted there may be an applicant for home occupation in October.

Adjournment

Dr. Marston motioned to adjourn; Mr. Allen seconded. Motion was unanimous.

The meeting was adjourned at 8:18 pm.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joshua Bath

Chairman

Minutes approved October 15, 2020