

TOWN OF EAST KINGSTON, NEW HAMPSHIRE
PLANNING BOARD MINUTES
September 19, 1996

FILE

AGENDA

- 8:00 RJ Pica/Larry Dolan - Public Hearing - 118 S. Rd. Subdivision
8:30 Blaine Hopkins/NYNEX - Discussion - 29 Giles Road
8:45 Planning Board By-Laws - Public Hearing - Adoption

Planning Board Members Attending: Richard A. Smith Sr. - Chairman, Catherine George, J. Roby Day - Ex-officio, Dr. Robert Marston, Ed Johnson, and Alternates: Beverly Fillio, Madeline Marshall, and Robert Nigrello.

Others Attending: Sarah Campbell - RPC Circuit Rider, Blaine Hopkins, Ronald Pica, Larry Dolan, Marilyn Berridge, Andrew Berridge, Davis Finch, Jeanne Crosby and Edwin Crosby.

Chairman Smith opened this September 19th, 1996 public planning board meeting at 7:30 p.m. with the roll call.

Incoming Correspondence: Chairman Smith acknowledged the following incoming correspondence:

1. Drinking Water Trade Show - NH DES
2. Seacoast MPO - one vacancy available to attend regional meetings with L. Smith.
3. 21st Annual Law Lectures Series
4. RPC - Open Space Lecture
5. Town & City State Planning at UNH (Continuing Education)

August 15, 1996 Planning Board Minutes: Mrs. Campbell noted corrections to the August 15, 1996 Planning Board minutes.

MOTION: Mrs. George motioned to accept the August 15, 1996 planning board minutes as corrected. Dr. Marston second.

Mr. Day, Mrs. Fillio and Mrs. Marshall stated that they had not received a copy of August 15th minutes thus, disqualifying the minutes from this meeting's approval. Mrs. Fillio and Mrs. Marshall requested that future minutes be sent to them via fax.

Work Session: The board will hold the October Planning Board Work Session on Thursday, October 10th at 7:00 p.m. at the Town Offices.

RJ Pica / Larry Dolan - Public Hearing - 118 South Road Subdivision: Chairman Smith opened the public hearing for RJ Pica / Larry Dolan at 8:00 p.m.

Mr. Ronald Pica representing Mr. Dolan stated that at the preliminary discussion meeting on July 18th, he had indicated the possibility of subdividing 118 South Road, MBL# 13-1-2 into 3 parcels. He continued to explain that Mr. Dolan is proposing a 2 lot subdivision at this time, with the possibility of subdividing the second lot into 2 parcels at a later date.

Mr. Pica submitted the subdivision plans to the board and noted the abutters, MBL numbers, closure, and frontage. He further noted that lot #1 has 200 ft. frontage and that lot #2 has just over 400 ft.

Mr. Pica then reviewed the topography plan citing the high intensity soil calculations. He stated that Mr. Dolan has no intentions of using the wetlands located at the back of the parcels.

He further indicated that the plans accommodate a new well and septic system area in the event the existing well and septic system [for the existing house on lot #1] fails.

He noted that the 4,000 K area for lot #2 allows for the septic to be placed at the 100 ft. setback required by the Town.

Mr. Andrew Berridge of 127 South Road stated that if lot #2 is later subdivided, the topography will force any homes built on those two lots to be placed at the very front of the property, which is greatly opposed by the abutters.

Mr. Pica responded that although Mr. Berridge's house placement estimate was correct, only a two lot subdivision is being proposed at this time.

Mr. Edwin Crosby of 137 and 139 South Road, stated that he was concerned with the amount of wetlands around the proposed lots.

Mrs. Fillio suggested the board consider a site walk of the parcel.

Mr. Pica reiterated that only a two lot subdivision is being proposed at this time and that if the Soil Scientists state the area is wetlands, then the third lot will not be created. If creating a third lot is not feasible/profitable, Mr. Dolan will not go forward.

At the inquiry of Chairman Smith, Mr. Pica submitted a copy of the property deed. It was noted that Lorraine Louise Culligan sold the said parcel to Patrick General Contracting, Inc. (Larry Dolan) 5 Briar Avenue, Salem, N.H. on August 13, 1996.

At Mr. Berridge's request, Mr. Dolan stated that the existing stone wall will be left intact except for driveway access. He further noted that he proposes to construct a 2,000 ft. two story cape (26x38) with garage underneath and that he has no intentions of "clear cutting" the parcel. He intends to leave all hardwood and health pines undisturbed, (omitting area necessary to construct house).

At Chairman Smith's inquiry, Mr. Pica stated that Tim Ferwerda is the Soil Scientist on this project and that state subdivision approval has not yet been issued.

Mr. Pica explained that he was confident such approval will be granted within a few weeks. He further stated that he feels Mr. Dolan has satisfied the subdivision plat checklist for this proposal.

Mr. Johnson noted that all property corners must be set in cement in accordance with the Town's ordinance.

Mr. Pica responded that steel pins have been placed at the interior lot lines and that other municipalities allow steel for the interior lines.

Mrs. Campbell noted Subdivision Regulations VII.B.4: *Permanent concrete monuments shall be set as required by the Engineer and the Planning Board.*

Mrs. George noted Subdivision Regulations XI.D.3: *Permanent concrete monuments must be set at least at all corner points and at the intersection of each proposed lot before a building permit is issued.*

Dr. Marston stated that only an existing stone wall could be used in place of a concrete monument.

Mr. Pica requested the board grant conditional approval of setting the concrete monuments and state subdivision approval.

Mr. Day stated that the Conservation Commission has not yet reviewed the plans which is routine procedure in this process. He then requested that a notation be placed on the mylar indicating that all necessary steps will be taken to preserve the stone wall and healthy vegetation.

Discussion of the possibility of noting the configuration of the proposed house on lot #2 resulted in its dismissal as it deemed too restrictive a subdivision requirement.

Noted were the conditions to be met before approval of this two lot subdivision:

1. stone wall preservation noted on mylar
2. healthy trees preservation noted on mylar
3. state subdivision approval
4. well location modification
5. conservation commission review

MOTION: Mr. Day motioned to continue the public hearing for Larry Dolan, 118 South Road, MBL# 13-1-2, to subdivide 5.75 acres into two parcels until above conditions are met. Mr. Johnson second.

Mr. Day motioned to amend prior motion by continuing the public hearing for Larry Dolan until October 17, 1996 at 8:00 p.m. Mr. Johnson second.

Both motions passed unanimously. (5-0)

Blaine Hopkins/ NYNEX - Discussion - 29 Giles Road: Chairman Smith opened discussion with Blaine Hopkins at 9:05 p.m..

Mr. Hopkins stated that the board had requested the landscaping maintenance of NYNEX property located at 29 Giles Road be completed prior to the board's signing and recording of the mylar for a fiber optic switching station located at 58 Willow Road.

Mr. Hopkins continued to say that such maintenance has been completed, the building is vacant now and if the board so wishes, it's demolition will be ordered. He further expounded on the buildings history citing it's origination around the 1950's.

Mr. Hopkins stated that it was never his intention to mislead the board of the buildings future intended use, then noting possible usage in 1998 and 1999.

Dr. Marston stated that his initial concern was the lack of maintenance of this site, but that the recent landscaping completed, was above satisfactory. He then noted the existing door is rotting which may pose a danger to animals or children.

Mr. Hopkins stated that the door will be replaced by next week to meet the board's conditions.

It was noted that upon the completion of the door replacement, the planning board would sign off on the 58 Willow Road project, record the mylar and notify Mr. Hopkins of it's recording number.

Planning Board By-Laws - Public Hearing: Chairman Smith opened the public hearing for the Planning Board By-Laws at 9:16 p.m..

Mrs. Campbell noted two changes to the Rules and Procedures.

1. page 2 - Officers - Chairman: added *shall prepare the agenda*
2. page 3 - Records - added: *or Board member appointed by the Chairman*

It was noted for the purpose of clarification that Order of Business e) would allow *discussion* appointments prior to 8:00 if ample time was available.

MOTION: Mrs. George motioned to adopt the Planning Board Rules and Procedures as presented. Mr. Day second. The motion passed unanimously. (5-0)

Home Occupation Ordinance: Mrs. Campbell presented a draft of a proposed Exemption for "No Impact" Businesses, (see attached).

The board discussed that individuals who have an "invisible" service, inside the home with little or no traffic impact may be exempt from the Home Occupation process. Different types of businesses were discussed as well as who has the ultimate authority to interpret the Home Occupation ordinance.

MOTION: Dr. Marston motioned to place on the March ballot, an article which would eliminate the Home Occupation Ordinance. The motion failed for a lack of a second.

Chairman Smith noted that the planning board will interview applicants but the selectmen have the final approval as to whether the applicant needs a HO permit.

After discussing options of clarification, the board agreed that it (PB) will hold preliminary discussions with *no impact* home occupation applicants, prior to scheduling public hearings.

The board agreed continue this discussion after further review.

Commercial Zoning: In light of the recent Repeal of Article VII, Commercial District, the planning board would like to extend an invitation to all residents of the Town of East Kingston to discuss the proposal of a new commercial district. This discussion will be held at the October 17th public meeting. A notice of such invitation shall be posted.

Alternate Member Designation: For the purposes of alternate member designation, the recording secretary will note any absent members after each meetings roll call.

MOTION: Dr. Marston motioned to adjourn. Mrs. George second. The motion passed unanimously and this September 19, 1996 planning board meeting ended at 10:21 p.m..

Respectfully submitted,

Catherine Belcher
Secretary
Minutes completed September 21, 1996