



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

2019-2020
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

MINUTES
Regular Meeting September 19, 2019
7:00 pm

AGENDA

Board Business

- **Review** of proposed changes to Zoning Article XI Single-Family Cluster Residential Development Ordinance
- **Discussion** of parking of commercial vehicles and operating them from a residential property in the Residential-Agricultural District

CALL TO ORDER

This meeting of the East Kingston Planning Board was called to order at 7:05 pm by Vice Chairman Tim Allen.

Members Present: Vice Chairman Tim Allen, Dr. Robert Marston, Bill Caswell, Scott Orleans and Ex-Officio Bob Nigrello

Advisors Present: RPC Senior Planner Julie LaBranche, Building Inspector John Moreau, Assistant Building Inspector Tom Welch and Conservation Commission Chair Dennis Quintal

Vice Chairman Allen appointed Alternate Scott Orleans as a full member to replace member Joshua Bath.

Review of proposed changes to Zoning Article XI Single-Family Cluster Residential Development Ordinance

Vice Chairman Allen lead discussion of replacing the existing single-family cluster ordinance with a new conservation subdivision ordinance based from the model in the NHDES Innovative Land Use Planning Techniques guide (2008). Mr. Allen presented the following the model for discussion stating that the other option would be to transfer elements that were desirable from the model to the existing cluster ordinance. The following elements of the conservation subdivision model were discussed.

- Whether to make the ordinance mandatory or optional to developers. Planning Board members and advisors offered the following comments:
 - It might be helpful to determine the benefits to the town of making the ordinance mandatory for the purpose of conserving open space and natural resources. A map showing existing conservation land and identifying large undeveloped parcels (e.g. > 20 acres), wetlands and steep slopes would help assess how many new single-family lots are possible in the future.
 - It would be interested to evaluate the impact of the character of the town if remaining lands were developed through a conventional subdivision design or a conservation subdivision design.

- The question was raised whether most prospective home owners desire a 2-acre lot or something smaller and more manageable.
- Conservation subdivisions with the benefit of adjacent open space have become more popular and data indicates the open space raises appeal and overall property values.
- The existing Growth Management ordinance limits the total number of building permits to 15 per year and allows for only 2 permits per developer. It would take many years for a large subdivision of any type to be built out.

- Applicability of ordinance by setting a minimum parcel size.

Planning Board members and advisors offered the following comments:

- Minimum applicable parcel size would depend on the features of a site. For example, a parcel of 20 acres with more than 50% wetlands would be difficult to develop. It might be too restrictive to make the ordinance mandatory under these circumstances if a conventional layout would yield more lots.
- Methods for calculating the base density under a conventional subdivision design – formula or yield plan. Planning Board members and advisors offered the following comments:
 - The formula method may result in a greater based density; however it does account for nonbuildable areas/features such as wetlands and recommends the yield plan approach for parcels with >30% wetlands. This method does not consider in its calculation the maximum permitted cul-de-sac road length of 1,000 feet (per Subdivision Regulations).
 - The yield plan approach requires the developer to gather more data about the parcel in order to design the subdivision (e.g. soils, test pits etc.).
 - My consider starting with the formula method but require the yield plan method if certain thresholds are exceeded such as 30% wetlands and other features that restrict development.
- Density bonuses and incentives to choose a conservation subdivision design over a conventional subdivision design and setting a minimum % for open space conservation. Planning Board members and advisors offered the following comments:
 - Currently the EK cluster ordinance requires 25% of the total parcel area to be conserved as open space with density bonuses for additional open space conservation. Many towns set the minimum open space conservation requirement at 50%. Maybe Consider something in between these approaches with incentives.
 - The model uses a combination of 50% buildable land and 80% of nonbuildable land be open space conservation.
 - Instead of using values of less than 1 and rounding up or down to a whole number, create a table with open space % and corresponding number of bonus density/lots.
 - Need to define what steep slopes are.

Discussion of parking of commercial vehicles and operating them from a residential property in the Residential-Agricultural District

Vice Chairman Allen reviewed recent issues/problems that have emerged in the last few years with parking and operating commercial vehicles on residential lots. This includes parking commercial vehicles owned by the property owner and vehicles they operate for a company owned by others but excluding service vans and heavy duty pickup trucks. There are no restrictions in the zoning ordinance that prohibit this activity in the Residential Agricultural District or for approved Home Occupations. Mr. Allen presented a draft policy for consideration including the State Police definition of a commercial vehicle which states “gross vehicle weight of 10,001 lbs or more, designed to transport 16 or more persons including the driver, and transports hazardous materials in quantities requiring a vehicle placard.” Planning Board members and advisors offered the following comments:

- Need to define what the Residential-Agricultural District is and what activities are permitted and not permitted. Currently, there is no detailed description of this District in the zoning ordinance. Refer to Article VII Uses Permitted and definitions in Article III for Town Center District and Article VI for Commercial/Industrial District.

- Need to set a weight or other specification for what comprises a “commercial vehicle”.
- Exclude construction, delivery and home service vehicles and vehicles and machinery uses for agricultural purposes.

Mr. Allen will revise the draft policy for commercial vehicles and resubmit to the Planning Board for further review and discussion.

OTHER BUSINESS

Selectmen Bob Negrillo offered an update on the Galant-Denner Home Occupation issues and reported that the Selectmen are taking action on the parking and operation of commercial vehicles for Bob’s Septic Service from the Galant property. Mr. Denner has been invited to the September 23, 2019 Selectmen’s meeting to discuss the town’s actions.

Mr. Allen offered that the Board review and approve minutes at the October 17th meeting. All in favor.

ADJOURNMENT

Dr. Marston made a **MOTION** to adjourn; Mr. Caswell seconded, with a unanimous vote.

Mr. Allen closed the meeting at 9:10 pm.

The next Planning Board meeting will be on October 17, 2019 at 7:00pm.

Respectfully submitted,

Julie LaBranche

Circuit Rider Planner

Tim Allen

Vice Chairman

Minutes approved October 17, 2019