

September 20, 1989

Members present: Richard Smith, Chairman; William DiProfio, Selectman; Mel Keddy, Kathy George, and Dr. Robert Marston (arrived 8:45pm)

Others: Larry Smith, Conservation Comm. (arrived at 8:26pm); Joe Conti, Building Inspector

Mr. Smith called the meeting to order at 7:45pm.

BIOTEAU PLAN Mr. Richard Smith acknowledge for the purpose of recording into the minutes the Plan for James Bioteau was approved and signed.

OFFICIAL MINUTES Mr. Richard Smith noted that the recordings taken at the meetings are for purposes of transcription only, and are not official tapes of the meetings.

Mr. DiProfio stated that the official Board Minutes are published and approved at the following meeting.

Mr. DiProfio motioned to accept the minutes of August 29, 1989 as printed.

Mr. Keddy second. The motion passed 4-0.

PROPOSED AMENDMENTS TO ZONING ORDINANCE Sarah Campbell presented members of the Board with proposed amendments to the Zoning Ordinance. Copy of these are attached to these minutes. Reference is made that the amendments affect Article XI, Section 1.0; Article XI, Section 1.N and Article XI, Section 1.F.

HENRY LEANDOWSKI, SR. Mr. Henry Lewandowski, Sr. presented his proposed Lot Line Adjustment. The plan shows Lot 15 changing from 6.38 acres to 2.62 acres, and Lot 14 changing from 2.02 acres to 5.80 acres. This is shown on Tax Map 10-3.

Mr. DiProfio agreed with Ms. Campbell's suggestion to waiver the requirement for soils testing as the map shows this area is adjacent to the road and is dry.

Mr. DiProfio motioned to waive the High Intensity Soils Study requirement for purposes of this Lot Line Adjustment.

Mr. Keddy second.

The motion was accepted 4-0.

It was noted that the bounds are set as shown on the plan.

Mr. Richard Smith motioned to tentatively approve this plan pending the change of Lot Nos.

Ms. George second.

The motion was accepted 4-0.

Mr. DiProfio motioned to interpret the Cluster Zoning provisions in accordance with the suggestions made by Rockingham Planning Commission.

Ms. George second.

The motion was approved 3-0.

The Board agreed to post and hold a Public Hearing next month.

Mr. DiProfio motioned to accept the suggestions and post as proposed by the Rockingham Planning Commission.

Ms. George second.

The motion was approved 3-0.

The proposed Amendments will be posted in the Exeter Newsletter, the East Kingston Town Hall, Town Hall Bulletin Board, Town Clerk's office, and the Post Office. The Public Hearing will be held at the Town Hall, 8:00pm on October 18, 1989.

Mr. Larry Smith, Conservation Commission arrived at 8:26pm.

CLEMENT FAMILY PROPERTY PROPOSAL Mr. Richard Rondeau of Danville was present to hold a preliminary discussion regarding the Clement Family property on Route 107A, bordering East Kingston and South Hampton. This parcel consists of 96 acres. Mr. Butler, representing Mrs. Robie, an adjacent property owner was also present.

Mr. Rondeau stated that his client was interested in building a golf course on this property. He stated that they might be interested in building a few homes around the perimeter of this property. He stated the clients are interested in the Board's feelings about construction of a golf course at this time. He said this abuts Eaton Woods.

Mr. Rondeau asked if a Zoning change would be required to pursue this venture.

Mr. Smith said they would be sent to the Board of Adjustment as this would be a change from Residential to Commercial uses.

Mr. Rondeau stated there was 129 acres in the Robie piece and 90 in the Clement property. He then asked if they got a variance from the Zoning Ordinance would they still be allowed to construct homes?

Mr. Joe Conti stated that each home would require a variance.

Mr. Richard Smith stated they would have to come before the Planning Board for a Site Plan Review and that a High Intensity Soils Study would be required.

Mr. Larry Smith stated that it would require a Special Exception for any disturbance of wetland.

FMR, INC. DISCUSSION Mr. DiProfio asked for the letter sent to Mr. Richard Smith from MarDec. He then stated that he would not participate in the decision making process this evening and that, for the record, he did not participate in the decision making process as per the letter of September 1, 1989 that Mr. Decker sent to Mr. Smith. Mr. DiProfio took exception to the statements made by Mr. Decker regarding the notification to Daniel Hummel and stated that he did not know that Mr. Hummel had not been notified until Mr. David Conti had informed him during that meeting of August 16. He stated he is only one member of the Board and has excused himself from all decision making regarding this development proposal and has made no attempt to persuade any other member. Mr. DiProfio wished to record that he made no objection regarding Mr. Hummel's lack of notification and that for the record he is not opposed to Mr. Decker's project. Mr. DiProfio noted that this is not the first time Mr. Decker has accused Mr. DiProfio of using his influence or having something against him. Mr. DiProfio stated he does not have anything against Mr. Decker and feels that Mr. Decker is setting up a legal basis for future litigation and he takes offense at this attitude and wished that he would behave as a gentlemen in his writing and at the meetings as he does not oppose the proposed development.

Mr. Marshall Decker responded to Mr. DiProfio that he has proposed two smaller Subdivisions where there was a lot of discussion. He stated that Mr. DiProfio was not pleased with the minor Subdivision at that time and if Mr. DiProfio is now in favor of the proposed Cluster Development and he is really in favor, Mr. Decker is grateful and apologized to Mr. DiProfio for the misinterpretation.

Mr. Rand, Engineer for FMR, Inc. gave a copy of the revised plans showing the encroachment of the lots within the setback area. He stated they have reviewed the maximum 29 lot entitlement as per Mr. Hayden. He stated his review of the calculations co-coincided and they have re-numbered to show 29 lots on this 59.5 acres.

Mr. Rand stated that they had a site visit with the Conservation Commission last Saturday (September 16).

Mr. Rand addressed the accessing road with the Barton property. He showed a rough sketch proposing the crossing with minimal impact to the wetlands. He stated the future ROW would be dedicated if the Board so approved.

Dr. Robert Marston arrived at 8:45pm.

Mr. Rand stated they have done a Hydrology study of the site. The actual report has been submitted and will be placed with the FMR file.

Mr. Rand stated that they have been working with David Conti on the fire pond which also serves as a runoff detention area.

Mr. Rand stated that the connecting road (to the Barton property) would be at the Board's option. He feels they have met the concerns of the letter from Rockingham Planning Commission.

Mr. Decker stated that he agrees with Mr. James Hayden's recommendation to move the cul-de-sac closer to Route 108.

Mr. Rand stated the actual driveway location might change according to the actual placement of the leaching fields and feels that showing them at this time would be premature.

Ms. Campbell reminded them that the road cannot be closer than 125 ft. radius from the well.

It was noted that the road to access the wells will be a gravel road.

Mr. Decker assured Ms. Campbell that the wells, roads and related area will be shown.

It was noted that the cul-de-sac can be angled to minimize impacting the wetland and the island will be grassed.

Ms. Campbell asked, regarding the Exeter & Hampton letter, if this will be agreed upon later, or is this the final letter?

Mr. Decker stated that there is no problem except to pay for putting the lines higher where they will be crossing the easement. They also have to agree on the figure to bring the electricity to the end of the road.

Ms. Campbell noted that the Hummel's name must be added to the mylar.

Mr. Decker inquired if Mr. Hummel had been notified.

Mr. Richard Smith told Mr. Decker that Mr. Hummel has been notified.

Mr. Decker stated that with the "slow-growth" ordinance, he feels no need to get approval for the whole project, that he would like to phase in the first part and that he would like to bring the plan back for approval of the remainder at a later date. He stated that this was conceptually laid out at this time.

Ms. Campbell asked if he was looking for approval of the first 13 lots, approximately where the fire pond was located at this time.

The Conservation Committee agrees that the access road (to Barton property) and its placement is good and poses the least impact on the wetlands.

Mr. Decker stated with the current growth ordinance it will take six years to phase the project in, and the risk of change is inherent.

It was noted that there is a four year exception on developments.

Mr. Decker suggested a temporary cul-de-sac at approximately the fire pond location for the first phase.

It was noted that the bond would cover the first phase. The length would be approximately 1000-1100 ft. and the remainder would be bonded at a later date.

The Board agreed that the access road was located at the most reasonable area with the least impact on the wetlands.

Ms. Campbell advised the Board that they might consider a waiver for 2000 ft., approving the first 1000 ft. and 12 or 13 units adjacent to the fire pond area as shown on the plan with the remainder shown as common area and open space. She suggested the plan show the access road and therefore not show the whole plan conceptually.

The Board agreed to show the potential future road showing the access road to adjoining property.

Ms. Deborah Whalen asked about the turnout and island with trees that was mentioned at the meeting of August 16. She wished to know what became of that concept as it was not shown on this plan.

Mr. Decker stated that he wants to put in landscaping and he wishes to design it and bring it to Ms. Whalen prior to the next meeting to see how she liked it.

Mr. Decker also stated that he will have to bring the design to the State for approval. He also suggested the possibility of placing evergreens on Ms. Whalen's side of the street to obstruct lights from traffic entering Rte. 108.

Mr. DiProfio asked if the landscaping along the frontage show on the plan.

Mr. Decker said, yes it would.

Mr. Decker stated there would be an Association and it would have to be determined who would control the recreational areas. He noted there are two options:

1. The Association owns the land and would be responsible.
2. The Town would own the road and would be responsible.

He asked the Board's feelings.

Mr. Richard Smith that the road would have to be in place for two years and then a warrant article for acceptance would have to be done.

Mr. Decker stated if it remains in the Association this would be in the covenants.

Mr. Keddy motioned to grant a waiver for 2000 ft. road length and access road.

Ms. George second.

Mr. DiProfio asked what the basis for the motion was?

Mr. Keddy answered that the Board could find no reason not to grant the waiver.

Mr. DiProfio stated that this is contrary to the Ordinance, the Board is setting a precedence, and the record must reflect why they are willing to waiver.

Mr. Rand stated the way the lot is shaped, the fact that it is a Cluster, and the access road will allow for future development would make for a fair trade off.

Mr. Decker stated that the Board was not thrilled with the clustering close to Rte. 108 and to meet the regulations the road ends up at 2000 ft. in length. He asked if the Board would rather see the Association members own and maintain the road.

Ms. George stated the waiver makes the best use of the configuration of the land.

Mr. Decker said it was a sign of good planning to leave a plan to access other properties.

Mr. Keddy motioned to waive the 1000 ft. requirement as we feel the 2000 ft. shown is the best that can be done in consideration of the configuration and access road to adjoining property for future development.

Ms. George second.

The motion carried 4-0.

Mr. Keddy asked to see the covenants to get an overview of what they will be addressing.

Mr. Decker stated he feels the tenants should have some input as to the uses of the open space, in conjunction with the town.

Ms. Campbell stated they look at the language in the ordinance.

Mr. DiProfio stated that the landscaping is important to him.

Mr. David Ruocco wants screening beside his property.

Ms. Campbell asked if all permits are received.

Mr. Rand stated they have received one Dredge and Fill permit, but one is in the process of expansion. The State Subdivision approval is awaiting the Dredge and Fill approval. The Driveway Access permit has been extended for one more year.

Mr. DiProfio stated the road must be built in accordance with the Subdivision Regulations.

Mr. Decker agreed, and stated that it remains to be determined who pays to maintain it.

Mr. Smith stated that it will be constructed to the full town standards.

Ms. Campbell asked FMR's position on the Home Owner's documents.

Mr. Decker requested that the Board send him a model for adoption and that they would comply with their recommendations as closely as possible. He stated they are flexible in this particular aspect.

Ms. Campbell stated she would try to find a generic example to send to him.

The development will have a temporary cul-de-sac to the fire pond and will have a gravel roadway to access the wells.

Mr. Joe Conti asked if they would construct gates to deter motorist travel beyond the temporary cul-de-sac.

Mr. Decker stated that he would construct gates to prohibit unauthorized travel on the area.

Ms. Campbell suggested that "Phases 1 & 2" be noted on the plan.

This Public Hearing closed at 9:50pm.

MR. COLLANTIN Mr. Frank Collantin of East Kingston Golf Course was present and addressed the Board regarding his desire to construct a storage shed. He stated it will be a steel building 30 x 80 ft. He is not sure of the location at this time, perhaps at the rear of the property and it will only be used for storage of equipment.

Mr. Collantin stated that he wants to move the Pro Shop away from the house and wishes to build a Club House 30 x 70 ft. He wishes to construct a golf cart storage area underneath the Club House.

Mr. Richard Smith stated he needs to come before the Board with his Site Plan Review application.

Mr. Collantin stated he will get a septic design and submit this to the State. He stated the septic system will be located in Kensington.

MISCELLANEOUS The Secretary received \$5.00 each from Mr. Frank Collantin and Mr. David Ruocco for the Zoning Ordinance Book.

Mr. Keddy motioned to adjourn the meeting.

Dr. Marston second.

The meeting was adjourned at 10:10pm.

Respectfully submitted.

---

Nancy J. Marden, Secretary/Clerk