

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
September 20, 2001

FILE

AGENDA

- 7:15 Subdivision Amendments – Public Hearing
- 7:30 The Residents of Maplevale, LLC – 26-lot Subdivision – Continued Public Hearing
- 8:00 Maplevale Woods – Elderly Housing Dev. – Continued Public Hearing
- 8:30 Wayne Ewald – 3-lot Subdivision – Continued Public Hearing
- 9:00 Maplevale Farms – Elderly Housing Dev. – Continued Public Hearing
- 9:30 David & Patricia Morse – 3 lot Subdivision – Public Hearing

Members attending: Richard A. Smith, Sr. – Chairman, Beverly A. Fillio – Vice-chairman, Dr. Robert Marston, David G. Morse and Alternate Member J. Roby Day, Jr.

Absent: John L. Fillio – Ex-officio

Others attending: Fire Department Lieutenant Andy Conti, Joe Coronati, PE, Dennis Quintal, Atty. John Ratigan, Jeffrey Hirsch, Wayne Ewald, Walter Zwearcan, Bob Rossi, Chris Frey, Peter Lewis and other members of the public who did not address their concerns.

Chairman Smith opened this September 20, 2001 planning board meeting at 7:05 p.m. with the role call. Noting the absence of Ex-officio John Fillio, he designated Alternate Roby Day to participate in voting matters before the board.

Incoming Correspondence: Chairman Smith noted the following incoming correspondence:

1. Local Housing Workshop to be held October 2nd in Concord, NH.
2. Letter from SAU #16 regarding the bonding issue and renovations of the high school still held up in litigation. A meeting is scheduled for October 16th to determine the SAU's best course of action. The board was invited.

Minutes: Members reviewed the Planning Board minutes dated August 16, 2001. The recording secretary noted that corrections were incorporated into them at the request of Larry Smith and Maura Carriel.

MOTION: Mrs. Fillio motioned to approve the Planning Board minutes dated August 20, 2001 as corrected. Mr. Day seconded. With no further discussion, the motion carried 5-0.

Members then reviewed the Planning Board work session minutes dated September 6, 2001. Again corrections were noted as well as the fact that final and approved copies of the minutes are placed on file with the Planning Board. All other copies in circulation may not reflect corrections.

MOTION: Mrs. Fillio motioned to approve the Planning Board minutes dated September 6, 2001 as corrected. Mr. Day seconded. With no further discussion, the motion carried 5-0.

Work Session: Members then scheduled a work session to be held on Thursday, October 11, 2001 at 7 pm at the Town Hall. The agenda will include the CIP, Growth Management Chapter of the Master Plan, Impact Fees, Interim Growth Control strategies for elderly housing, and zoning amendments.

Subdivision Regulations Amendments – Public Hearing: Chairman Smith opened the public hearing the proposed Subdivision Regulations amendments at 7:22 pm. The board is proposing these nine amendments at the recommendation of the East Kingston Fire Department as each amendment pertains to specific requirements for fire suppression/protection systems and equipment. Members reviewed each amendment as follows:

Amendment #1: (page 5)

Amend Subdivision Regulations Section IV, R (paragraph #3) to clarify the distance between the dwelling and the water source. Delete existing text and replace with the following text (in bold):

~~Generally, placement is required every 1200 feet of roadway unless the subdivision contains long driveways, cul de sacs or other design features that would place dwellings outside the 1200 foot distance, and require closer spacing.~~

Placement is required every 1,200 feet of roadway. Placement of dwelling will be within the 1,200-foot distance from said water source.

Amendment #2: (page 5)

Amend Subdivision Regulations Section IV, R, I, 2, a. by adding specific requirements in bold text.

Hydrant shall be six (6) inch pipe (PVC sch 40 is acceptable) with six (6) inch Fire Department thread with female swivel and male plug at 30 inches above finish grade.

Amendment #3: (page 5)

Amend Subdivision Regulations Section IV, R, I, 2, c. by adding specific requirements in bold text.

A 30-inch diameter cement collar 36 inches deep shall be poured around the pipe from ~~the base of the attaching elbow to the~~ grade level of the hydrant.

Amendment #4: (page 6)

Amend Subdivision Regulations Section IV, R, I, 2, e. by changing required measurements and adding specific requirements in bold text.

Two ~~5-foot~~ 3-foot in height, and 3-inch diameter cement filled steel posts shall be installed (one each side of hydrant to be six feet apart and two feet in front of the hydrant to prevent damage by snowplows or automobiles). Post shall be placed in a 12-inch diameter by 2-foot deep cement anchor.

Amendment #5: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #1) by changing required measurements shown in bold text.

Cisterns shall be installed containing a minimum of 30,000 gallons of usable water with six (6) inch hydrant connections and filling and venting connections to accommodate a fill and draft rate of ~~1000~~ 1,500 gallons per minute.

Amendment #6: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #6) by changing required measurements and adding new text shown in bold text.

Two ~~5-foot~~ 3-foot in height, and 3-inch diameter cement filled steel posts shall be installed (one each side of hydrant to be six feet apart and two feet in front of the hydrant to prevent damage by snowplows or automobiles). Post shall be placed in a 12-inch diameter by 2-foot deep cement anchor.

Amendment #7: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #7) by changing required measurements and replacing with new text shown in bold text.

Hydrant shall be ~~six-inch~~ eight (8) inch with six (6) inch female swivel and plug with Fire Department threads and cap.

Amendment #8: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #8) by changing required measurements and adding new text shown in bold text.

Fill point shall be ~~2 1/2 clappered Siamese connection NST threads~~ four (4) inch storx and caps to a four (4) inch pipe into the cistern.

Amendment #9: (page 6)

Amend Subdivision Regulations Section IV, R, II. (paragraph #9) by changing required measurements and adding new text shown in bold text.

Vent pipe should be capable of allowing ~~1000~~ 1,500 gallons per minute draft without damaging tank. Termination of vent shall include a vertical "T" (fitting) that will include a threaded cap for tank level measurement purposes.

Fire Department Lieutenant Andy Conti further explained that all new fire suppression sources must hold at least 30,000 gallons of water; the ones currently in existence are grandfathered.

With no questions from board members or the public,

MOTION: Mr. Day motioned to accept and adopt the nine fire suppression-related amendments to the Subdivision Regulations as recommended by the Fire Department. Mrs. Fillio seconded. With no further discussion, the motion carried 5-0.

Mr. Day then took this time to ask that all members review the impact fee ordinance draft he presented a few months ago so that if possible, the board can vote to hold a public hearing on it at the next work session. He said that he should have the fee schedule methodology ready by then.

The Residents of Maplevale, LLC – 27-lot Subdivision – Public Hearing: Chairman Smith announced that because he is an abutter to the proposal, he would turn the meeting over to the Vice Chairman Mrs. Fillio. It was noted that Mr. Morse was also an abutter. Both Chairman Smith and Mr. Morse stepped away from the board table and recused themselves from participating in the voting process of this case.

Mrs. Fillio opened the public hearing at 7:31 p.m. for The Residents of Maplevale, LLC. Professional Engineer Joe Coronati requested he be able to present the outstanding items for the subdivision proposal and both elderly housing proposals at the same time.

Mrs. Fillio denied the request noting that notification requirements for the elderly housing proposals would not be met. Those proposals are scheduled for later in the evening and were formally notified so. It would be an injustice to abutters and to the statutes to allow those other public hearings to be combined with the subdivision one at this time.

Contaminant concerns: Mr. Coronati stated that they are currently working on the traffic study that is required but want some clarification on what type of testing the board wants done in the orchard area.

Mrs. Fillio stated that at the last meeting the board directed the groundwater in the apple orchard area be tested for pesticide contaminants. She stated that the feather dumps also need to be located and tested.

Conservation Commission Chairman Larry Smith stated that past history shows pesticides were used in the apple orchard areas, and that they should test for residual pesticides that may be still in the soil and pose a health risk to potential future property owners. He said Mr. Levis indicated that they have been using pesticides there for over thirty years.

Mrs. Fillio added that there have been feather dumps on that property for over fifty years, and even though they are supposed to be biodegradable, those areas still need to be checked.

Mr. Coronati stated that if it is legal to dump animal parts on the property, it is assumed it is not hazardous. Mrs. Fillio replied that it is not legal to build and sell property that is contaminated. Mr. Coronati stated that he needs to find the regulations that govern feather dumps in order to proceed. He said as far as the groundwater is concerned, they would be drilling test wells in the orchard area.

Sidewalks: Discussion then transpired on the specifics of sidewalks, which included their design and maintenance (plowing). The proposed road would be 24 feet wide. The question was whether the board wanted to see a four-foot extension of that roadway with a painted white line separator, or a separate sidewalk. Plowing strategies were noted and the board welcomed the input and recommendations of Bob Rossi, the Road Agent.

Mr. Rossi stated that the town does not own any sidewalk maintenance equipment – the separate sidewalk design would place an additional burden on the town. The four-foot road extension design would only require additional swipes down the road; a minor burden compared to separate sidewalk maintenance. Regarding whether the road extension plan was safer for pedestrians than the separate sidewalk plan, he said he couldn't say, but that he is not prepared to maintain separate sidewalks.

Members talked about the safety issues of a road extension. Mr. Coronati stated that a solid white line would be painted to separate the roadway from the sidewalk. In addition to this six-inch painted line, the speed limit throughout the roadway would be 20 mph, and it would not be a through road. He said the maintenance of the stripe would be the town's responsibility. He then asked where the board wanted the sidewalk to be located.

Members stated that the sidewalk should run from the last duplex to Route 107 and from the roadway to the meetinghouse. Mr. Day stated that he does not want to see sidewalks on all 5,200 feet of roadway, just in the elderly housing community areas. Dr. Marston stated that if he were a resident of that development, he would want to be able to walk safely all the way to the store. Mrs. Fillio agreed. She said that she would like to see sidewalk access from the duplexes on lot 8-2-46 and the loop road of 8-2-27 to the meetinghouse to Route 107 by the store.

The steep grade at the meetinghouse area was noted. Dennis Quintal recommended designing the sidewalks to go around the steep area to avoid the elderly walking on that slope. Jeffrey Hirsch stated that the intent was to be able to take the sidewalk to the meetinghouse and down to the store. Mrs. Fillio responded that since the basic facilities are made available here (store, library, church) pedestrian access should be accommodated.

Water system: Mr. Coronati noted that a complete waterline overview was designed and could be found on sheet C-6. He said that the wells would be built fairly soon, though they don't have any state permits yet. He went on to explain that one eight-inch line would service the majority of the site and run right down the middle of the road. Hydrants would be constructed with valves so areas can be isolated if needed.

Mr. Day questioned why hydrants would be used over cisterns or fire ponds. He said hydrants would be located close to the road and could pose a plowing obstruction in the winter. He said he opposes hydrants based on the town not currently maintaining them. He said cisterns are easier to keep clean. This system relies on electricity noted problems should they lose power.

Mr. Coronati replied that the two twenty-five thousand gallon water tanks would always remain full. One would be designated for residential water use and the other for fire suppression. There would always be a minimum of twenty-five thousand gallons on hand. Further technical inquiries about the design prompted Mr. Coronati to request the water system designer attend the next meeting to explain the system in more detail. Concerns over water ownership were noted as well as who would be held responsible if the water supply were to run out.

Atty. Ratigan stated that they did not plan to dedicate the water to the town, it would be owned by the association. Hypothetical scenarios were raised regarding if there was a fire and there was no water from the hydrants— who would ultimately be held responsible for not being able to provide water to the fire— the Town or the homeowners? Lieutenant Conti replied that the Fire Department would need to provide a back up water supply or back up pumps should there be no power to the hydrants.

Atty. Ratigan stated that water systems must be approved by DES, therefore the fire issues would be met. If a hydrant fails, it is no different than if a cistern fails. Lieutenant Conti added that if they are having problems with the hydrants, they can go to the homeowner's association, and furthermore, they can conduct annual tests on them and have a maintenance contract indicating so.

Mr. Day continued to disagree citing this arrangement would cost the town. As it is presented, it is not a stand-alone system. He then suggested a water tower. Mr. Coronati again stated that he will bring in the water system designer, Russell Prescott, to show the board how the system would operate.

Access to abutting land: Mr. Coronati noted another item to be addressed – locating a right-of-way to abutting properties. Though one is not yet shown on the map, they have a plan to put it on and so pointed out to the board the location. This would access the Quintal property only (between lots 8-2-34 & 8-2-35). He stated that this could also be used to access Sanborn Road.

Mrs. Fillio explained that it is important for the board to plan for the future. She then asked if they had spoken with abutter, Richard Smith about an access to his property. Mr. Coronati replied that he had and that Mr. Smith did not want an access to his property.

Atty. Ratigan stated they have the conservation easement in draft form and asked if the Conservation Commission wanted to review it first. He also asked who they recommend holding the easement. Conservation Commission Chairman Larry Smith replied that he is not sure the town should hold the easement or not.

Library: Mr. Coronati stated that they are meeting with the Library trustees on September 25th at 6:30 to discuss their inquiry about land to build a new library. Chairman Smith indicated he might go as well as Mr. Day.

Phasing schedule: As requested by Mr. Fillio at the last meeting, Mr. Coronati stated that they will not be phasing in the road; they will build out all 5,000 feet at once. Atty. Ratigan stated that once the road is built, the number of building permits available would

control the development of those lots and at what pace. The elderly housing developments would be developed by whatever the market supports – they may or may not phase its construction.

Lighting: Mr. Coronati stated that the board requested there be no streetlights along the main subdivision road only at the intersections. Mrs. Fillio and Mr. Day agreed. Mr. Hirsch stated that he preferred to install street lighting every two or three houses, but not the tall obtrusive street lighting used by the state. He said that no lighting might encourage property owners to install their own state-type lighting. He would like to see low illuminating lighting. He would bring in a picture to show the board at the next meeting – it is more for aesthetics than illumination.

Mr. Day cited three reasons for his opposition to streetlights: 1) it would be another system the town would have to maintain, 2) it doesn't fit in with the character of the rest of the town, and 3) he doesn't like lights shining into bedrooms. He then suggested they develop covenants to prohibit homeowners from installing streetlights in their yards.

Atty. Ratigan stated that they did not intend to place covenants on the subdivision portion of the development, only in the elderly housing portion. The recording secretary raised the issue of "snob" zoning and noted that East Kingston should not allow it.

Roadway: Mr. Day noted that the Town Engineer had concerns about the width of the roadway. The road should be 24 feet wide, exclusive of the shoulder, throughout the entire development. Mr. Coronati stated they would go the full width with the sidewalks in the elderly housing development. At the inquiry of the Conservation Commission Chairman, Mr. Coronati stated they expect to submit their Dredge and Fill application to the state in a week or two, once they know more about the roadway.

ABUTTERS COMMENTS

Chairman Smith, commenting as an abutter asked what type of water source would be used in the water system. Mr. Coronati stated that they plan to dig two wells out in back. At further inquiry, he stated that they would test the water and its quantity to determine if a third well would have to be drilled – all of which would be done soon (before the road).

Maplevale Woods– Site Plan Review – Elderly Housing– Public Hearing: Noting again that Mrs. Fillio would chair this public hearing as Chairman Smith and David Morse were abutters to the property, Mrs. Fillio directed Mr. Coronati to present the revisions of the plan for an elderly housing development – this hearing is a continuation from the August 16, 2001 hearing. The time was 8:31 pm.

Mr. Coronati noted revisions to the plan as a result of the work session held on September 6th. They included adding a couple of street lights, changing three four-unit buildings as shown on the plan, added additional parking spaces, showing the septic system that would service all twelve units of the quadplexes.

Quadplexes: Mr. Coronati stated that the quadplexes would be serviced by one large (100'x100') leachfield. Its location could change. Each building would have its own septic tanks. All the buildings would consist of four units. These units would be located on two conventional lots that were combined with the elderly housing development. They would be two story structures with the same square footage as single units.

Atty. Ratigan stated that at the last meeting they had shown two regular conventional lots, but due to the concern about offering affordable housing, they decided to eliminate the two lots and combine them with the large elderly housing lots. He said they were told at the last meeting to add them to the plan, however they were not sure the board was fully satisfied they would be allowed. Mr. Day stated that he does not have a problem with this proposal.

Lighting: Sheet C-5 outlines the lighting plan. These plans have been sent out to a light designer who would design the appropriate lighting (light bulbs and wattage) for the development.

Visitor parking: Twelve additional visitor parking spaces have been designed over and above the garage and driveway spaces available.

Sidewalks: The development will have sidewalks.

Meetinghouse septic system: Brought up at the last meeting was where the septic system for the meeting house was located. Mr. Coronati stated that he was unable to meet with Mr. Lewis regarding its location. He plans to meet with him soon and walk the property to determine the locations of all existing septic systems and feather dumps.

Signage and landscaping: Sheet C-5 reflects the added landscaping design to the project. This design was taken from the one presented at the last meeting and put into the AutoCAD program and is now part of the plan. They have not yet developed a sign design, but when they do they will comply with the sign provision. He then asked the board if they felt enough information had been submitted for the board to invoke jurisdiction.

MOTION: Mr. Day motioned to invoke jurisdiction on the site plan review for the Residents of Maplevale, LLC– Maplevale Woods elderly housing community plan. Dr. Marston seconded.

DISCUSSION: Outstanding items noted were 1) the locations of the leachfields and wells to the meetinghouse. Mr. Coronati stated they do show the wells on the plan; they are just not sure which wells service what. They also do not know where the leachfield is. And 2) signage has not yet been designed.

Mrs. Fillio called the vote. The motion carried 3-0 (Chairman Smith and Mr. Morse did not participate).

At this time Mrs. Fillio closed the public hearing and turned the meeting back over to Chairman Smith. Both he and Mr. Morse returned to the table.

Wayne Ewald– 3-lot Subdivision– Continued Public Hearing: Chairman Smith opened the public hearing at 8:55 pm on Wayne Ewald's proposal to subdivide 33 acres into 3 lots located at 2 North Road, MBL# 14-3-7. Professional Engineer Walter Zwearcan made presentations for Mr. Ewald who was also present.

Mr. Zwearcan presented revised plans for the board to review. These revisions were a result of last meeting's review of the proposal and the board's findings. Items noted for correction at the last meeting and addressed this meeting were:

1. Boundary information including bearings and lengths should be provided for the entire subdivision. Original and proposed lot areas for the parent parcel and resulting three lots should be provided in both acres and square feet. Lots should be numbered according to the numbering system of the East Kingston Tax Maps.

This was addressed by adding Sheet #2 showing the complete parcel.

2. Building setbacks and other zoning requirements should be added to the plan.

Potential house and driveways were noted on the plan showing that all setbacks could be met.

3. The text "to be set" should be removed from the plan legend. A Certification of Monumentation will need to be submitted prior to the board's final approval.

The bounds were clearly labeled on the plan "to be set"

4. The material received by Ms. Carriel did not include a drainage report.

The plan now reflects the wetlands data on sheet #1 with signature of soil scientist.

5. The board wanted the sight distance to be shown on the plan from the driveways.

This has been shown on sheet #1. The engineered recorded plan also says that the vegetation in front of the parcels must be removed.

6. The plans have not been reviewed to determine whether fire protection provisions have been met.

The distance from the dry hydrant to both house lots were added to the plan as note #11. The water source is 1,150 feet from the homes.

7. Town assessing numbers need to be assigned to the two newly proposed parcels.

Lot numbers have been assigned: MBL# 14-3-16 and 14-3-17.

8. Square footage of parcel size not shown (only acreage)

Has been added to the plan.

9. Setback lines must be shown on the plan.

Lines have been added.

10. A written waiver for the common driveway must be submitted.

One was submitted bearing the signature of Wayne Ewald.

11. Soils information must be submitted.

A soils map was submitted as an attachment to the application.

12. State Subdivision approval is needed.

Since received and shown on the plan (sheet#1) as note #12.

At the inquiry of the board, Mr. Ewald said he has no plans to pave anything on these two lots. He is just going to sell them and let the buyer do it all. The driveway cannot be used until the sight distance is clear from vegetation.

MOTION: Mr. Morse motioned to invoke jurisdiction on the subdivision plan for MBL# 14-3-7. Mrs. Fillio seconded.

DISCUSSION: Members reviewed the list of outstanding items. Conservation Commission Chairman Larry Smith stated that the subdivision does not impact any wetlands. It was also noted that the fire suppression requirements have been met. As far as the shared driveway is concerned, they are on a State road, thus the board has no jurisdiction over them.

Chairman Smith called the vote. The motion carried 5-0.

MOTION: Mrs. Fillio motioned to approve the subdivision plan for MBL# 14-3-7 as presented. Mr. Morse seconded. With no further discussion the motion carried 5-0.

It was noted that the Certification of Monumentation form must be completed and submitted and the Building Inspector must verify the bounds before the mylar is signed and recorded.

Mapleale Farms – Elderly Housing Development – Public Hearing: Stepping down from the table and recusing himself and Mr. Morse as they are abutters to the upcoming proposal, Chairman Smith turned the meeting over the Vice Chairman Mrs. Fillio. Mrs. Fillio opened the public hearing at 9:20 pm for The Residents of Maplevale, LLC's site plan review proposal to construct a second elderly housing development on developer's lot# 25 (MBL# 8-2-46). Again Mr. Coronati would present the proposal on behalf of Trustee Jeffery Hirsch.

Mr. Coronati stated that while the Ewald hearing was being conducted, he held discussion with his party outside and it was determined that constructing sidewalks all the way throughout this development would push the threshold of a minimum wetlands impact to a major one. They want to propose removing the loop road and making two cul-de-sac instead, each measuring not more than 1,000 feet in length.

He then went on to address other items of concern noted at the work session:

Water system: A full view of the water system plan has been submitted at part of the subdivision plan. The water system would be owned and operated by a homeowner's association who would hire out an expertise company to maintain it, test it, etc.

Signage: They do not know what type of signage would be used (design-wise) but they do have ideas where they would be placed. The actual names of the developments could change thus they would submit their sign designs, once known, to the Building Inspector for approval. Members stated that the signage is to be approved by the board as outlined in the Site Plan Review regulations. Mr. Hirsch replied that once they know more about the design, as there is a possibility the transaction of the development might have bearing on it, they will submit the design.

ABUTTERS COMMENTS

Chairman Smith stated that the design of this elderly housing development does not comply with the ordinance as its layout is too broken up with too many entrances. This development should have an access off the main road with houses inside the development, not along the main roadway. He added that shared driveways are not allowed.

Members reviewed the Elderly Housing Ordinance 12.2.7 and disagreed with Chairman Smith's interpretation. The whole plan must meet the fifty-foot road frontage requirement, which it does, but it does not specifically say homes cannot be located along the main road. Chairman Smith replied that the intent of the ordinance while it was being drafted was to create developments within themselves and off and away from the main road. This plan does not meet that intent.

Atty. Ratigan responded that the intent doesn't matter, the letter of the ordinance does. They must comply with the letter of the ordinance and they do just that.

Regarding the common driveways, the board encouraged that design at the work session as a means to reduce the number of curb cuts along the main road. Mr. Day stated that he does not read the ordinance to say all the homes must be located in and away from the main road.

Chairman Smith stated that he is not acting as a member of the board for this proposal, but if he were, this layout would be different. The intent was to shield the development from other properties; the buffer requirements clearly indicate this.

It was agreed that the board would seek advice from their Circuit Rider, Maura Carriel on this matter and continue the discussion at the next meeting. It was also noted that this was the first application to use the Elderly Housing Ordinance and some issues or loopholes were expected to be raised.

Landscaping: Mr. Coronati stated that the landscaping design is now shown on plan L1.

Lighting: Lighting plans are shown on plan C-3. The utility plan shows lighting to be located in the general areas of the parking lots, entrance to the development and at each intersection.

Layout: The layout of the buildings along the main road were modified to create a more community atmosphere. The schematics of the duplexes are the same as the single units – they would just connect two singles together to make a double. If the board determines that they can continue on with the quadplexes, they would submit elevations for those at a later date.

Septic system: The septic system is shown on plan C-3 (inside the loop).

Mr. Coronati asked if the board considered the application complete enough to invoke jurisdiction. At inquiry, he stated that they used the calculation methodology under Article 12.2.3 to acquire a bedroom count for the development. Plan C-2 shows the density calculation used.

Items still needing to be addressed: signage design, layout confirmation from RPC, and cul-de-sac paving (should the center of the cul-de-sac be paved?).

MOTION: Mr. Day motioned to invoke jurisdiction on the site plan review for the Residents of Maplevale, LLC – Maplevale Farms elderly housing community plan. Dr. Marston seconded. With no further discussion, the motion carried 3-0.

Re-opening of Maplevale Woods: Mrs. Fillio re-opened the public hearing for Maplevale Woods at 10:03 to discuss the wetlands impact in the area of the proposed loop road. There was question as to whether two cul-de-sacs should be designed or to continue with the loop road and exceed the minimum wetlands impact requirements. Discussion transpired on fire department recommendations for a complete loop road. Members reviewed the ordinance and determined that sidewalks are not required for this loop road as there are no homes or parking areas that need to be accommodated. Members agreed that the loop road could remain in place and the sidewalks could stop at the wetlands and resume after passing through that area.

At the request of the applicant, Mrs. Fillio announced that these public hearings for the Maplevale property would be continued to November 15, 2001 at the Town Hall beginning at 7:15 pm. The subdivision plan (Residents of Maplevale, LLC) at 7:15 pm, Maplevale Woods at 7:45 pm, and Maplevale Farms at 8:15 pm.

David & Patricia Morse– 3-lot Subdivision– 40 Willow Road– Public Hearing: At 10:27 pm Chairman Smith resumed his position chairing the meeting and opened the public hearing for David & Patricia Morse's subdivision plan of MBL# 8-2-19, located at 40 Willow Road. The Morse's propose a 3-lot subdivision of a 33-acre parcel. This proposal is a revision of a subdivision plan the board approved with conditions in January 2001.

Mr. Morse requested the board rescind the January 18, 2001 subdivision plan which they approved with conditions regarding the same property.

MOTION: Mrs. Fillio motioned to rescind the subdivision plan submitted and conditionally approved at the January 18, 2001 Planning Board meeting for MBL# 8-2-19. Mr. Day seconded. With no further discussion, the motion carried 4-0.

Mr. Morse explained that he would like to propose the same subdivision plan as in January, but with slight modifications to the property lines. One boundary line must be moved twenty to twenty-five feet to accommodate a septic system, thus two other lines must be moved to ensure they, too remain in compliance with lot size requirements.

Members then reviewed the Town Engineer's letter of recommendations for the previous plan as they were part of the conditional approval of the previous plan. Each item was noted, pointed out as corrected, and verified by the Conservation Commission Chairman (most were drainage issues).

RPC comments from the previous plan were also reviewed. Items noted:

1. The whole leachfield fits into the lot now, where before setbacks were not met.
2. To accommodate the drainage swales, the road drainage areas outside the fifty-foot right-of-way have been added, as an easement, to the right-of-way.
3. An easement to the Mitchell's well has been noted, however, once the road construction begins, Mr. Morse has agreed to dig a new well for them (Mitchells') at his own expense. This was a verbal agreement.
4. The professional engineer's signature and seal are now on the plan (he is also a permitted septic designer).
5. Fire provisions plans have not yet been established by the fire department.

Mr. Morse then requested the board invoke jurisdiction and conditional approval of his plan. Mrs. Fillio stated that she is not comfortable with granting conditional approval as she has not reviewed the second set of plans submitted that evening. Further RPC review must also be conducted, as well as final review and bond estimates for the road by the Town Engineer.

MOTION: Mr. Day motioned to invoke jurisdiction on the subdivision plan submitted by David and Patricia Morse for MBL# 8-2-19, located at 40 Willow Road. Mrs. Fillio seconded. With no further discussion, the motion carried 4-0.

ABUTTER'S COMMENTS

Gordon Mitchell stated that he has no problems with the plan.

MOTION: Mr. Day motioned to continue this public hearing until next month (October 18, 2001 at 7:15 pm at the Town Hall) after which time the RPC and Town Engineer have had an opportunity to review the revised plans. Dr. Marston seconded. With no further discussion, the motion carried 4-0.

Mr. Morse offered to deliver the plans to the Town Engineer in South Berwick personally. Member agreed to allow this.

With no further business,

MOTION: Dr. Marston motioned to adjourn. Mrs. Fillio seconded. With no further discussion, the motion carried 5-0 and this September 20, 2001 Planning Board meeting ended at 11:15 p.m.

Respectfully submitted, *[Signature]*

Catherine Belcher, Secretary

Minutes completed and on file September 26, 2001.

Approved: 11-8-01