

September 21, 1995

Town of East Kingston Planning Board

Attending: Chairman Richard Smith Sr., Andrew Berridge, J. Roby Day, Catherine George, Dr. Robert Marston, and Amanda Rossi-Lashoones.

Others: RPC Circuit Rider-Sarah Campbell, & Conservation Comm. Chairman-Lawrence Smith, Attorney Robert Donovan, and Building Inspector-Glenn Clark.

The Public Hearing regarding the Charlesworth Subdivision opened at 7:30 PM.

Mr. Roger Charlesworth presented a mylar, and three copies of plans for proposed subdivision prepared by his engineer. The parcel will be split into a 19 acre parcel, and a 25 acre parcel. Mr. Charlesworth said that he was scheduled to receive a driveway permit from the State in the near future.

The abutters present were Steven & Jacquelen Roy, John J. Bakie, Ken Kuster, and Lawrence Smith.

Mr. Bakie wanted to know which section of the field did the easement to him cross over. His concern was whether it crossed over a corner, or over a mud hole, and would the easement still exist in the event the property was sold fifty (50) years from now. Mr. Charlesworth pointed the easement out to Mr. Bakie which was reflected on the plans. Mr. Charlesworth added that the easement was recorded in Book 715, on Page 501 and was considered a legal recorded document.

Motion: Andrew Berridge motioned that the Board grant conditional approval subject to the issuance of a driveway permit from the state. Catherine George second. The motion passed unanimously.

Chairman Richard Smith will sign the mylar once the driveway permit has been submitted to the Selectmen's office, who in turn will notify the Planning Board.

This public hearing closed at 7:55 PM.

The public hearing regarding the Bodwell application for Home Occupation opened at 8:00 PM.

Attorney Robert Donovan was present, and addressed the Chairman on behalf of the Bodwell's, both also present. Mr. Donovan said that he and the Bodwell's were back before the Planning Board. At the last Planning Board meeting, a vote was taken for the Bodwell's to apply to the Building Inspector for a permit to use the mobile home as an accessory structure to be used as an office.

Building Inspector Glenn Clark reported that he did inspect the mobile home, and in his opinion if the structure had not been there, and the application were for building a new structure, that the Bodwell's met all setback requirements, the structure was on a concrete pad, and it was tied to a septic system. Mr. Clark did not find any reason not to grant a permit.

Attorney Donovan asked the Board for a vote to approve the application. Mr. Smith felt that everything sounded reasonable to him.

Motion: Amanda Rossi-Lashoones motioned to recommend to the Selectmen to approve the Bodwell's application for Home Occupation, to use the mobile home as an office, or storage, and not to be used as living quarters. Catherine George second. The motion passed unanimously.

This Public Hearing closed at 8:15 PM.

The Chairman informed the Board of upcoming seminars, and workshops. Mr. Smith also mentioned that he was in receipt of a letter from Civil Consultants regarding distressed pavement on Evergreen Way, which was noted that Evergreen is not a town approved road.

Motion: Dr. Robert Marston motioned to accept the minutes of the 8/17/95 Planning Board meeting. Andrew Berridge second. The motion passed unanimously.

The Public Hearing regarding Conti subdivision opened at 8:30 PM.

Mr. Conti presented to the board a plan that was made 6 years ago. The Board was informed that the engineer employed by Mr. Conti was unable to provide current plans and mylar for this meeting, but the engineer could have them ready by October 19th.

An abutter identified as Ruth Smith was present, and did have some questions regarding the division point, and if Mr. Conti intended to sell. Mr. Conti pointed out where the subdivision would occur, and indicated that he intended to sell the new lot. Mr. Conti said all the markers were in the right places, and that the lot line goes through the center of the creek.

Motion: Amanda Rossi-Lashoones motioned to continue the Public Hearing to October 19th, when the plans will be available. Andrew Berridge second. The motion passed unanimously.

The public hearing closed at 8:40 PM.

Mr. Glenn Tebo, together with his wife were present for a preliminary discussion on a subdivision of 7.5 acres located in East Kingston. Mr. Tebo said he wanted to subdivide the property surrounding the existing cul-de-sac into three house lots. The access to this property is through Grand View Terrace in Kingston.

Mr. Tebo mentioned that he appeared before the Kingston Planning Board for preliminary discussion without any problem. He added that he checked with the school regarding the bus route, and it would be no problem for the bus to turn around in the cul-de-sac. Mr. Tebo also approached his abutters with the intent to purchase a right of way, and was unsuccessful.

Mr. Berridge referred to a Planning Board meeting that took place in December 1988, where Mr. Tebo applied for a lot line adjustment, and was granted conditional approval provided a note was added to the plan stating the lot was buildable.

Paragraph C. Of Section IV - General Requirements for the Subdivision of Land was addressed pertaining to the 1,000 feet requirement on a dead-end or cul-de-sac. It was noted that this requirement was for safety issues, when considering fire and rescue having access, in the event of an emergency. Other safety considerations were during mail delivery, snow plowing, trash removal and school bus transportation.

Mr. Berridge pointed out that a fire hydrant, or some water source would need to be available per the East Kingston ordinance, and asked Mr. Tebo if he were familiar with what type of water source was available to him in the cul-de-sac area.

Mr. Lawrence Smith thought a fire pond existed in Kingston in the vicinity of Giles Road.

Mr. Richard Smith felt the Kingston Planning Board should also be contacted for approval, and Mrs. Campbell agreed. Mr. Lawrence Smith pointed out that if this were declared a Regional Impact, the Town of Kingston would be considered an abutter, and the Rockingham Planning Commission would also need to be notified.

In the event a formal application had not been received from the Tebo's, a decision to act on declaring this a Regional Impact would not take place at this time. It was noted, in the event of Regional Impact project, the RPC will provide an unbiased rundown on the potential problems.

Section V - Scattered and Premature Subdivision was discussed with regard to the potential problems that seemed obvious with the proposed subdivision. The area of the cul-de-sac seemed a potential problem for more than one fire truck at a time to access any of the properties. It was noted that a need for a fire cistern was paramount. Reservations were voiced with regards to Fire, Police and School Bus access from Kingston, together with the fire and safety concerns.

Discussion was endless, and it was recommended to move on to the next business. Mrs. Campbell suggested to Mr. Tebo, that if he submitted a formal application, to provide a copy of the plan referred to earlier pertaining to the Lot Line Adjustment back in December of 1988. She added that discussion at this point should have provided some feedback on the areas to think about and address, and that in a formal application stage, all decisions are binding.

Master Plan - School Section: Mrs. Campbell pointed out that all typographical errors located during the last Planning Board meeting were corrected.

Motion: Amanda Rossi-Lashoones motioned to approve the School Section of the Master Plan as corrected. Catherine George second. The motion passed unanimously.

Resignation: Amanda Rossi-Lashoones announced to the Board members that she was resigning as a Planning Board Member due to increased responsibility in her new position as Emergency Management Coordinator.

Building Inspector: Mr. Berridge announced that Glenn Clark was recently appointed as Building Inspector by the Selectmen.

Day Care Issues: Mr. Berridge informed the Board that it was recently discovered that a resident on Willow Road, in East Kingston was issued a State License for a day care. The amount of children allowed was equal to the maximum allowed according to the town ordinance. An investigation lead to the realization that a permit had not been issued for this resident (Willow Road), nor had a renewal permit been issued to another resident (Andrews Lane) in the daycare business for the last five or six years.

Mr. Berridge pointed out that the Selectmen discussed this situation, and together agreed it was not their intent to put anyone out of business, but agreed the need to make things legal. The Selectmen feel that one of the residents' daycare (Andrews Lane) has grown to a point it no longer fits the ordinance, and noted this daycare is located in a residential area, and did not feel appropriate to issue a cease and desist at this point.

Mr. Richard Smith suggested all the facts were necessary to make a decision, and felt not all the facts were presented. There were too many questions that needed answers to. It was unclear as to whether the Andrews Lane day care should be considered a commercial business in a residential zone, and whether it was appropriate to apply to the ZBA for relief.

The general census of the Planning Board was that they felt based on the information available, they could not recommend to the Selectmen that a Home Occupation be granted if the applicant is nonconforming to the Home Occupation ordinance. Concerns of verbal complaints, insurance coverage, and indications of a commercial operation in a residential zone were discussed. Discussion halted when it was unclear what to recommend until all the facts are presented in a formal application.

Biosolids ordinance-courtesy copy provided from Newfields town offices. Mr. Berridge presented a copy of the ordinance currently used by Newfields, and asked the Planning Board Members to take a minute to review it. Next month, discussion of this ordinance will be placed on the agenda.

Motion: Dr. Robert Marston motioned to adjourn. J. Roby Day second. The motion passed. The meeting adjourned at 10:48 PM.

Respectfully Submitted,

Sandra Johnson
Administrative Assistant