

East Kingston, NH  
Planning Board Minutes

Date of Meeting: September 26, 2002  
Place of Meeting: Town Hall  
Type of Meeting: Work Session  
Time of Meeting: 7:00 p.m.

Present: Richard Smith, Chairman; Beverly Fillio, Vice Chairman, Jack Fillio, Ex-Officio, Dr. Robert Marston, Catherine Belcher, Alternate, Roby Day, Alternate and Gene Madej, Alternate.

Others Present: Attorney John Daly  
Attorney John Ratigan  
Attorney Robert Levine

Call to Order: Mr. Smith called the meeting to order at 7:00 p.m.

Roll Call: Mrs. Rice conducted the roll call.

Work Session:

Mr. Smith noted that the intention of tonight's meeting was to hold a work session to resolve issues pertaining to the conditional approval set for the Maplevale Projects and to work on the legal documentation for Country Hills of East Kingston.

Mrs. Fillio announced the board will limit the discussion of the two projects to one hour each and to adjourn the meeting at 9:00 p.m.

Discussion of Maplevale Projects:

Mr. Smith and Mr. Madej excused themselves from the Board as they are abutters.

Attorney Ratigan, Attorney Levine and Attorney Daly were present.

Voting Members: Mrs. Fillio, Mr. Fillio, Dr. Marston, Ms. Belcher and Mr. Day.

The purpose of the discussion is to resolve outstanding issues regarding the conditional approval granted by the Planning Board for the Maplevale Projects.

Attorney Daly represents the Town of East Kingston, Attorney Ratigan represents Mr. Hirsch, Maplevale Projects and Attorney Levine represents the buyers of the Maplevale Projects.

Attorney Levine noted the Maplevale Projects are in the process of completing the conditional approvals associated with Maplevale Farms, Maplevale Woods and the Residences of Maplevale.

It was clarified that Mr. Lewis is interested in purchasing Maplevale Farms and Maplevale Woods and to meet the conditions of approval, including the bonding which would be to the connector road of Cricket Hill. This would eliminate any issues regarding access and egress from both elderly housing communities. The Residences of Maplevale, which consists of the actual subdivision at this point will be retained by Mr. Hirsch. Attorney Levine explained that Mr. Lewis is meeting the conditions associated with "Farms and Woods" and would post the bond and the Site Plan Reviews would be recorded. However, the issue has arisen regarding the recording of two site plans for one property without recording the subdivision (Residences) or the bonding of such. In order to the subdivision to be recorded, it would need to be bonded and other conditions would need to be met including stamps of the wetland and soil scientist.

Mrs. Fillio noted the conditional approval requirements have been reviewed and their are outstanding issues associated with both Woods and Farms. She further clarified that the legal documents were not present at the Planning Board Office on Friday and therefore could not be signed. On Monday, the mylars had been taken for Woods and Farms for the signatures and stamps.

Attorney Levine noted that they have met and discussed with the Board of Selectmen the bonding of the three projects. Figures for Woods and Farms have been submitted and accepted by the Board Engineer and the Board of Selectmen. Attorney Levine noted that bonding was approved in phases and this was clarified by Mr. Fillio that the bond will be posted in its entirety and as project work is completed, accepted and approved by the Board Engineer, portions of the bond would be released.

The board noted that in order to proceed with the site plans for Woods and Farms to be recorded, the Residences would need to be bonded and recorded, as this is the subdivision which creates the lots on which the site plan is based upon.

Attorney Levine discussed with the Board the bonding and recording sequence for Residences of Maplevale. He explained the bank will not write the letter of credit until Residences is recorded and the financial situation of the owner of the property to proceed with the project. Further the building permit limitations were discussed and it was clarified that Mr. Hirsch will not have a seven year build out time if he sells lots to other individuals or corporations to build.

The board discussed the possibility of a re-submission for a three lot subdivision and then proceed with the site plans for Woods and Farms.

Mr. Fillio noted the Board of Selectmen did not realize that ownership was going to be switched when they accepted the bond amounts. He feels that the bonding agreement was not with the actual landowner, but someone who is interested in purchasing Farms and Woods. The parcel is not legally separated (subdivided) and is concerned over approving bonding for a portion of the project.

Attorney Ratigan explained to the Board that the financial institution will not provide surety until the plan is recorded. The board requires surety prior to the plan being recorded. The funding for the surety is in part held with the sale of Farms and Woods. It was further noted that the Board has procedures for revocation of plats and it was suggested the board could accept a note for the project.

In further discussion with Attorney Daly, it was presented to the Board, that Mr. Hirsch could present a deed to the property to be held in escrow at Attorney Daly's Office. Attorney Ratigan noted that a deed could be presented, the plans for Woods, Farms and Residences could be recorded, thus allowing the sale of Woods and Farms with the proceeds from this sale being used for surety to obtain the letter of credit, the letter of credit being accepted by the Board of Selectmen and the deed to the property being released from escrow.

Mr. Fillio noted that the sequence of events must be as follows:

1. Residences of Maplevale must be subdivided into either 2 or 3 lots before it can be sold as Farms and Woods.
2. Bonding must be provided for Residences of Maplevale, Farms and Woods.
3. Assurance must be received by the Town that these roads will be built, as the Town could end up with a 3,000 foot road.
4. Woods and Farms can be sold to Lewis Builders.
5. Residences can provide the Town with a letter of credit.
6. The Town can release the deed held in escrow for the Residences.

The board discussed the length of dead end roads and the length exceeding 1,000 feet, independently of each other.

Ms. Fillio read from the May 13, 2002 minutes, Page 13 the conditions of approval for the Residences of Maplevale, including #9 regarding resolution of all bonding items. Ms. Fillio stated it is the responsibility of the developer to meet the conditions of approval. Ms. Fillio noted she will not sign the mylar if the bonding is not acceptable.

The board discussed holding a deed in escrow. After further discussion, it was noted the deed would be drawn up conveying the property to the Town if surety is not received within a certain amount of time (5-7 days was suggested).

After a discussion the following list of transactions were agreed upon:

1. The Town of East Kingston receives surety for Maplevale Woods.
2. The Town of East Kingston receives surety for Maplevale Farms.
3. The Town of East Kingston receives in lieu of surety, a deed conveying the Residences of Maplevale to the Town of East Kingston, if surety is not received within 5-7 days after the recording of the mylar.
4. The deed, for the Residences of Maplevale will be held in escrow at Attorney Daly's office.
5. The Town of East Kingston will sign and record Maplevale Woods.
6. The Town of East Kingston will sign and record Maplevale Farms.
7. The Town of East Kingston will sign and record Residences of Maplevale.
8. The applicant will provide acceptable surety (letter of credit) within 5-7 days after such recording.
9. The Town of East Kingston will release the deed held in escrow at Attorney Daly's Office.
10. If the applicant fails to post acceptable surety, the Town of East Kingston will be the legal

owner of Residences of Maplevale.

This is subject to the approval of the Board of Selectmen as they are the officials responsible for the acceptance of surety.

Country Hills of East Kingston

Mr. Denson and Attorney Ratigan were present.

Dr. Marston stepped down from the board as he is an abutter.

Voting Members: Mr. Smith, Mrs. Fillio, Mr. Fillio, Mr. Day and Ms. Belcher.

The board reviewed the bylaws and condominium documents as presented for Country Hills of East Kingston.

The board asked why the documents as submitted for Country Hills of East Kingston were vastly different from documents submitted for Maplevale and Cricket Hill. Attorney Ratigan noted Attorney Tucker drew up these documents and Attorney Fryer had drawn up the others. It was noted that the applicant also has input into the documents on how the association will run and what is expected from the people living there. It was also felt that the various projects differ from each other, thus the range in documents.

The board made changes and suggestions to the written documents. These included general organization of the document, definitions, notification of the Town within 30 days of the results of the annual census, expansion of the development, parking of recreational vehicles on the property, common space, common limited space, no signature of the legal documents is required, using different language for the age 55 and older restriction (use declaration as presented in Cricket Hill), removal of individuals who do not meet the age requirements, and the exhibits will be completed with the appropriate metes and bound descriptions.

Dr. Marston made a motion to adjourn at 9:40 p.m.

Mr. Fillio seconded. The motion passed unanimously.

Respectfully,

Susan J. Rice, Secretary  
East Kingston Planning Board

Completed: October 2, 2002  
Accepted: \_\_\_\_\_

## Planning Board Minutes

Date of Meeting: September 19, 2002  
Place of Meeting: Town Hall  
Time of Meeting: 7:00 p.m.  
Type of Meeting: Monthly Meeting

Present: Richard Smith, Chairman; Beverly Fillio, Vice Chairman; Jack Fillio, Ex-Officio; Dr. Robert Marston, Cathy Belcher, Alternate; Roby Day, Alternate and Gene Madej, Alternate.

Absent: David Morse

Others Present: Larry Smith, Conservation Commission, Kent Shepherd, Building Inspector, Maura Carriel, Rockingham Planning Commission

Call To Order: Mr. Smith called the meeting to order at 7 pm. and the roll call was conducted.

Mr. Smith appointed Mr. Day as a voting member in place of David Morse.

### In-Coming Correspondence:

1. Letter from EPA regarding waste water facilities.
2. Letter from NHDES regarding Regional Cooperative Public Water Supplies.
3. Letter from RPC regarding grant money and application deadline.
4. Notification for NH Municipal Law Lecture Series.
5. Letter from Den's Auto Body regarding change of ownership. The board requested that a building inspection and fire department inspection take place at the location of the body shop to insure compliance with all regulations.
6. Wet, Wild and Wooly Workshop notification.
7. Letter from Donahue, Tucker and Ciandella regarding Maplevale Projects. Receipt of Bylaws and Condo documents.
8. State Planning News.
9. Proposed Zoning Amendments presented by Ms. Belcher regarding calculation of building permits utilizing current housing stock and excluding elderly housing from calculation. The board asked that Town Counsel review this language.

Ms. Fillio made a motion to send the proposed language changes to Town Counsel for review and to schedule a public hearing for October 17, 2002.

Mr. Fillio seconded. The motion passed unanimously.

Public Hearing for Laurie Estey, 64 Depot Road, Tax Map 8, Block 1, Lot 3 for a home occupation permit to conduct instructional yoga classes

Ms. Estey and Mr. Dudley were present. No abutters were present.

The application along with an addendum was received regarding this proposal. Pictures were also enclosed and passed around for the board to view.

Ms. Estey explained to the board that she is seeking a home occupation permit to conduct instructional yoga classes at her home. The business would be located in the existing barn, which can accommodate approximately 25 people, with parking to the right side (in the old garden area) of the premises. No deliveries will be made to the premises and soft music is played during the classes. A regulation size sign is being proposed. The classes are generally an hour to an hour and half in length with approximately 15 students per class, normally. Ms. Estey noted the maximum class size would be 20 due to the space needed for each student and mat area. No refuse matter will be generated from this business. Classes generally do not overlap as Ms. Estey noted she schedules the classes with a fifteen minute break in between.

The board asked that no on-street parking occur and that students drive out of the driveway instead of backing out onto Route 107. It was noted the parking area could accommodate up to 25 cars. The board discussed night classes and the glare of headlights upon neighboring properties. The applicant noted that the last class at night would start no later than 7:15 p.m. and end at approximately 8:30 p.m. The board was also concerned with the mud season and the gravel driveway.

Mr. Dudley noted that the parking area is being excavated and re-graded with appropriate materials so as not to track materials onto the State highway. Mr. Dudley noted that they wanted to use natural materials for the parking area and to leave the site in as natural a state as possible.

The board noted that the type of home occupation would fall into the exercise, artistic and medical/exercise/craft criteria as outlined in the Zoning Ordinance.

It was noted the septic area is no way in close proximity to the parking area.

Ms. Belcher noted one of the abutting residences had been recently sold and inquired if the new abutter had been notified of this request. It was noted that at the time of application and notification, the O'Flaherty's were the current owners and were notified. The board asked that as a courtesy, the new owners be notified of the proposal and this notification to be given prior to the final meeting with the Board of Selectmen for acceptance of this home occupation.

Ms. Estey noted that hours of operation would generally be from 9 a.m. to 8:30 p.m. or 9 p.m. and that she held classes on Saturday mornings and Sunday afternoons.

Mr. Fillio made a motion to recommend to the Board of Selectmen the acceptance of the home occupation application as presented by Ms. Laurie Estey with the following conditions:

1. A maximum of 20 cars be allowed at any one time to be parked on the premises.
2. A maximum of 20 students per class.
3. A maximum of 15 classes per week.

4. No on street parking shall occur.
5. The hours of operation shall be 9 a.m. to 9 p.m..
6. The new property owner who purchased the O'Flaherty home to be notified of this request and informed of the meeting of which the Board of Selectmen would act on this application.

Ms. Fillio seconded. The motion passed unanimously.

It was noted that the Board of Selectmen have the right to set additional conditions for this application and to grant final approval of this application.

Continued Public Hearing for Jeff Caley and Gary Denson for a proposed elderly housing community located at 163 North Road, Country Hills of East Kingston

Dr. Marston stepped down from the board. Mr. Smith appointed Ms. Belcher as a voting member for this hearing.

Dennis Quintal, PE; Attorney John Ratigan, Jeff Caley and Gary Denson were present.

Mr. Quintal presented a set of revised plans to the board. The layout and configuration has remained the same and Mr. Quintal noted he has addressed the issues outlined in the RPC review letter as follows:

1. An enlargement of the community center and associated parking and landscaping should be provided for the Board's review. This has been completed and the board asked for a re-configuration of the parking area to accommodate additional handicapped parking. The board requested three parking spaces dedicated to the handicapped and six additional normal parking spaces.
2. The board needs to act upon the applicant's request for waivers. Requests include Site Plan Review Reg. Sec. VII.6.D (lighting), Subdivision Reg. Sec. IV.I (street grade) and Subdivision Reg. Appendix B (Typical Road Section) fill on side slopes 4:1.
3. Sheet 1 in ~~dictates~~ a request for waiver from the Town's Zoning Ordinance regarding the 25' landscaped buffer zone (the correct reference is Article XII, Sec. B.12), as portions of the southern loop road infringe into the 25' buffer. If relief were needed, it would be in the form of a variance from the ZBA. However, it is recommended that the board review the plan and determine if this constitutes a non-compliance. If the intent of the requirement is to maintain a visual buffer from the development and its structures, and the roadway will not have a negative impact on that function, I would suggest that is not an issue. Mr. Quintal noted that he is in the process of moving the road and redesigning the road in that particular area to meet this regulation. Currently a 20 foot buffer exists and Mr. Quintal feels he can address this issue as only five feet is involved in one particular location.
4. A note should be added to the plan set stating that the plan is for a 36-unit residential development restricted to 55 years age and above. This has been completed.
5. The 25' building setback should be delineated graphically on Sheets 1 and 2. This has been completed.
6. Dimensions/bearings for the 50' future right of way to the abutting property to the south

- should be added to the plans. This has been completed.
7. The proposed sign location should be indicated on the plan (proposed sign is included on Detail Sheet). This has been completed.
  8. A note should be added to the plan set specifying the square footage of the individual units (specific square footage or a range or maximum) to ensure that individual units will meet the Town's Elderly Housing Zoning Ordinance requirements (Zoning Ord. Article XII,B.4) This has been completed.
  9. It is the understanding that the condominium association will maintain the fire suppression system; however, easements should be provided for access by the Fire Department. The Fire Department's approval of the site plan should be received prior to the Board's final approval. This item has not been completed.
  10. The Board should review comments from the Town Engineer and discuss any outstanding issues with the applicant. Written approval from the Town Engineer should be received prior to the Board's final approval, or the Board wishes, could be a condition of approval.
  11. The applicant provided draft condominium documents to the Board at the August meeting. Members should review and discuss any comments with the applicant. Final legal counsel approval of the documents should be received prior to the Board's final approval, or if the Board wishes, could be a condition of approval.
  12. All state permits must be received prior to the Town's final approval of the site plan. If the Board wishes, receipt of state approvals can be a condition of approval.

Waivers have been submitted in writing for the three items mentioned above.

The road cost analysis was submitted to the Board and will be forwarded to the Town Engineer for review.

The board discussed the process of the approval for the water supply system and the required approvals.

Mr. Quintal noted he will be addressing the report of the Town Engineer issued on September 13<sup>th</sup>. Five items were noted in his report. Slope issues in a fill situation; guard rail issues, elevation benchmarks need to be added to the plan, maintenance log for maintenance activities to be established for erosion control activities-a note will be added to the construction sequence to address this comment, slope and impact to wetlands and slope greater than 8 percent were the Town Engineer's comments.

It was noted a six foot stockade fence would be provided around the dumpster.

Outstanding Items for this project include the following:

1. Receipt of Amended Dredge and Fill Permit.
2. Receipt of Site Specific Permit.
3. Receipt of State Subdivision Approval.
4. Receipt of Fire Department Approval.
5. Receipt of acceptable bonding surety.



6. Receipt of final review letter from the Town Engineer.
7. Board review of legal documents and acceptability to Town Counsel.
8. State Water Supply approval.
9. Receipt of water quality and water quantity testing materials.
10. Resolution of waiver requests.

The board reviewed the following waiver requests and acted upon them as follows:

1. Site Plan Review Regulations, Section VII, 6, D. Lighting

Lighting for new development....

Maximum illumination level anywhere on the property shall not exceed 0.5 candles.

There are a few streetlights on the proposed Site Plans. These are necessary to provide safety for vehicle or pedestrian traffic at night. The Plan proposed to use Low Sodium lights with shields directing light only downward. These will be mounted on poles 18-20 feet high. Most of the proposed dwellings are located close to the street. Each proposed dwelling shall have a low watt (less than 75) front door light. These types of lights will illuminate greater than 0.5 candles on the site. The roadway and dwellings are located along the center of the development, therefore, the illumination will meet the requirement at the abutting property line as, I believe, is intended by the rule.

Ms. Fillio made a motion to accept the waiver request as presented above.

Ms. Belcher seconded. The motion passed unanimously.

2. Subdivision Regulation, Section IV.1

Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for minor streets and 3% for major streets unless the Board for good cause shown allows a greater grade.

About 200 linear feet of the proposed road will be greater than 5% slope. The steepest grade is 8%. To meet Town requirements requires raising the sag of the road, widening the limit of fill. This will create a significant amount of additional disturbance to the wetlands on the site. Because of the existing gas lines, the roadway cannot be cut on the high side. A waiver to construct the roadway at the proposed 8% grade is a reasonable request considering the alternative of excess wetland disturbance.

Mr. Day made a motion to accept the waiver request as presented above.

Ms. Fillio seconded. The motion passed unanimously.

3. Subdivision Regulations, Appendix B, Typical Road Section  
Fill on roadside slopes 4:1

To minimize filling of wetland, the Plans indicate fill side slope of 2:1 with Guard Rails. This is a reasonable alternative which the Planning Board has approved for other projects.

Mr. Fillio made a motion to accept the waiver request as presented above.

Mr. Day commented on this waiver request and the clarity of the Town Engineer's report as to his favor ability of granting this waiver. Mr. Day questioned the thought process of the Town Engineer and the lack of clear commitment to this waiver request. He questioned if the Town Engineer was aware of the installation of this guardrail.

Ms. Fillio seconded. Mr. Smith, Mr. Fillio, Ms. Fillio and Ms. Belcher voted in favor. Mr. Day abstained.

Attorney Ratigan asked to address the board regarding the granting of a conditional approval and the legal documents which include the condo documents and bylaws. Changes were made per the comments from the previous sets of documents from other projects. It was noted that a response was received from Town Counsel regarding the acceptability of the legal documents as submitted.

The board asked for age monitoring procedures as presented in the Maplevale projects.

Mr. Smith noted that the time frame for the hearing tonight as expired and asked the applicant to move along with the presentation.

Attorney Ratigan asked for the board to grant a conditional approval.

Mr. Day noted he had concerns with the legal documents and noted he would not approve them as written. Mr. Day noted concern with the content as well as the organization of the documents.

Attorney Ratigan noted that the board had received an appropriate legal response from Town Counsel and that they were in an acceptable form. He noted he was willing to make any changes provided they have been approved by Town Counsel. He suggested that the changes be presented to Counsel for approval and then he would make any changes the board wanted. He stated he does not want to come back at the next meeting.

Mr. Day noted he still has comments about the Maplevale Project documents. He felt that they were grossly disorganized and were unacceptable as presented. Mr. Day expressed concerns about tying up the loose ends and that one more month would not be unreasonable.

The board discussed the review of the legal documents with Attorney Ratigan and changes the Board members would like to make. Discussion ensued with the rights of the board members to make appropriate changes to the documents. It was suggested that any changes be forwarded prior to the next meeting so that board members could review. It was further noted that Town Counsel had given approval to the documents as written. The board discussed issuing a conditional approval with one condition being the resolution of the legal documents. The board discussed holding a work session

to discuss the legal documentation and to hold a compliance hearing to insure that all outstanding items had been complied with.

Mr. Fillio made a motion to grant conditional final approval with the following conditions:

1. Receipt of Amended Dredge and Fill Permit.
2. Receipt of Site Specific Permit.
3. Receipt of State Subdivision Approval.
4. Receipt of Fire Department Approval.
5. Receipt of acceptable bonding surety.
6. Receipt of final review letter from the Town Engineer.
7. Board review of legal documents and acceptability to Town Counsel.
8. State Water Supply approval.
9. Receipt of water quality and water quantity testing materials.
10. Waiver requests to be noted on plan.
11. Compliance hearing to determine all outstanding items have been complied with.

Ms. Fillio seconded.

Mr. Smith, Mr. Fillio, Ms. Belcher and Mr. Day voted in favor. Ms. Fillio abstained,

Mr. Fillio made a motion to hold a work session to work on the legal documentation on Thursday, September 26, 2002 at 7 p.m.

Ms. Fillio seconded. The motion passed unanimously.

Continued Public Hearing for Brentwood Commons, LLC/Jim and Mary Moyer for a proposed lot consolidation and three lot subdivision located at 91 Willow Road further identified by East Kingston Tax Map 7-1-7 and 8-1-16

The applicant has requested a continued Public Hearing until the next regularly scheduled meeting of the board in order to have the time necessary to address the Board Engineer's comments.

Ms. Belcher made a motion to continue the Public Hearing until October 15, 2002 at 7:15 p.m.

Ms. Fillio seconded. The motion passed unanimously.

Public Hearing for Wayne and Eileen Ewald for a proposed lot line adjustment for North Road and Tilton Lane. Tax Map 14-3-5 and 14-3-12.

Mr. Ewald was present.

A lot line adjustment application and plan was presented to the board for review. The applicant is requesting to take approximately 9 acres from a 14 acre parcel and combine it with his current home site, thus leaving a 5.3 acre lot with frontage located on North Road.

Mr. Larry Smith asked that a copy of the county soils map be provided to document in the file that the remaining 5.3 acres has acceptable buildable soils. Mr. Ewald stated he would provide this documentation.

The board held a discussion on the requirement of requiring a test pit and 4k area on the plan to insure that the remaining 5.3 acres is a buildable lot. It was felt that providing the county soils map would adequately and appropriately determine that the remaining acreage is buildable. It was noted that an existing driveway exists on the 5.3 acres that was used to access the strawberry beds. The building setback lines have been added to the plans. A waiver has been provided regarding the soil requirements.

Mr. Fillio made a motion to accept the plans for jurisdiction.

Ms. Fillio seconded. The motion passed unanimously.

Mr. Fillio made a motion to grant a waiver for soils, test pits and perc test data for this proposed lot line adjustment as the lot being reduced in size (14-3-5) is larger (5.03 acres) than the minimum allowed (2 AC.), the soil survey of Rockingham County shows the 5.03 acres mapped as 66B Paxton fine sandy loam with a drainage class of well drained and the Chairman of the East Kingston Conservation Commission does not have an issue with the waiver.

Ms. Fillio seconded.

Mr. Smith, Mr. Fillio, Dr. Marston, Ms. Fillio voted in favor. Mr. Day abstained.

Mr. Fillio made a motion to grant an approval of the lot line adjustment with the following conditions:

1. Receipt of the County Soils Map.
2. Receipt of the Certificate of Monumentation.

Ms. Fillio seconded.

Mr. Smith, Mr. Fillio, Dr. Marston, Ms. Fillio voted in favor. Mr. Day abstained.

#### Michael and Beverly Logan, Rowell Cove Road, Voluntary Merger of Lots

A Voluntary Merger of Lots application was received to combine 29 and 31 Rowell Cove Road into a single lot. The Secretary noted that a letter was sent to Town Counsel seeking advice on this application and no response has been received.

Mr. Fillio made a motion to grant the request to Michael and Beverly Logan for a voluntary Merger of Lots.

Ms. Fillio seconded. The motion passed unanimously.

Mr. Smith signed the application and it will be forwarded to the appropriate assessing officials and the Rockingham County Registry of Deeds.

Public Hearing for Jones Boys Insulation, Inc. (Applicant) 213 Havenhill Road, Bldg. #4, Tax Map 11-2-#6 and 17 for a site plan review for additional office space. The property is owned by Paul Masone

Mr. Masone and Jeff Wilson of Jones Boys Insulation were present.

The board had reduced sized copies of the proposal which included an 18' x 20' addition to Bldg #4 located on the site. The board reviewed the application and the pictures that were submitted. The addition is in the process of construction without a signed building permit.

The applicant apologized for the confusion and noted that he thought Mr. Masone had received a building permit, however thru some investigation, it was determined that no building permit was issued and that this addition was not part of the original site plan.

The board reviewed the proposal and discussed the state entrance way with Mr. Masone. The board discussed the fact that not all the conditions associated with the original site plan review have been complied with and that Mr. Murphy has not closed off his part of the driveway as agreed upon. Mr. Masone noted his concern and liability associated with closing off the front portion of the existing driveway and asked for assistance in this compliance.

Ms. Fillio made a motion to send a letter to the Board of Selectmen requesting that action be taken to ensure compliance with the existing conditional approval for the Paul Masone Non-Residential Site Plan regarding the closing off of the driveway and that compliance needs to be addressed with the State recommendation.

Ms Belcher seconded. The motion passed unanimously.

The board reviewed the signs and noted that the appropriate permits have been issued.

The board requested that the new addition be inspected by the Fire Department as a condition of the certificate of occupancy. *The new addition is to be used as two offices.*

Mr. Fillio made a motion to accept the application for jurisdiction.

Ms. Fillio seconded. The motion passed unanimously.

Mr. Fillio made a motion to grant conditional approval with the following stipulations:

1. Receipt of full size plans and mylar.
2. Review, approval and inspection from the Fire Department
3. Review, approval and inspection by the Building Inspector

Mr. Day seconded. The motion passed unanimously.

#### Other Business

The Board noted that the plans for Maplevale have been received and will be reviewed for conformance by Ms. Carriel and Ms. Fillio. Mr. Day noted he still has issues with the legal documents. The board will discuss during the work session for next Thursday.

The board adjourned at 10:15 p.m.

Respectfully submitted,

Susan J. Rice, Secretary  
East Kingston Planning Board

Completed: September 25, 2002  
Accepted: \_\_\_\_\_