



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2009-2010  
David F. Sullivan, Chairman  
Edward Warren, Vice Chairman

**MINUTES**  
Regular Meeting 1 October 2009  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Approval** of August 20 and September 17 minutes
- ◆ **Continued Public Hearing** for Country Hills EK PB #09-OG (MBL 16-02-04) for the purpose of amending condominium documents and the site plan to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting.
- ◆ **Continued Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-02-17) EK PB #09-OH regarding a prospective tenant for the light industrial park (EK PB #04-OB), Mike Melvin, MSM Excavation.

**CALL TO ORDER:** The regular meeting of the East Kingston Planning Board was called to order at 7:04PM.

**ROLL CALL:** Mrs. White called the roll.

**Members** - Mr. D Sullivan; Mr. Ed Warren; Dr. RA Marston; and Mr. D Pendell, ex-officio.

**Advisors** – Mr. Ray Donald, EK Building Inspector and Ms. J LaBranche, Planner, Rockingham Planning Commission (RPC).

Also present were representatives from Country Hills: Condo President David Cole, Treasurer Peter Gilligan, and Gary & Debbie Densen; prospective tenant for the light industrial park, Mr. Mike Melvin, MSM Excavation; and Debbie Marston, resident.

**Board Business**

First item on the agenda was to approve the minutes of August 20 and September 17. There were no corrections or changes noted.

**MOTION:** Mr. Pendell **MOVED** to accept the minutes of August 20 and September 17 as written.  
Dr. Marston seconded. The motion passed unanimously.

**Continued Public Hearing** for Country Hills EKPD #09-OG (MBL 16-02-04) for the purpose of amending condominium documents to enable the town of East Kingston to provide trash pickup and recycling in direct response to a vote of the town at the 2009 town meeting.

Mr. Sullivan opened this public hearing at 7:05 pm.

Mr. Sullivan invited the representatives from Country Hills (David Cole, Peter Gilligan, and Gary and Debbie Densen) to come to the front.

Mrs. White reported that all their paperwork was in order. There was no discussion by the Board on the status of the Country Hills paperwork. Mr. Sullivan asked if the board members had any further questions.

Mr. Warren asked if all the wording for the elderly communities changes were the same. Mrs. White asked if he meant the wording of the decisions or the wording of the actual changes to the paperwork. Mr. Warren wanted to make sure that everyone's changes were the same on their paperwork. Mrs. White said that no, the changes were not the same, but the wording of each had all been approved by the town attorney and basically said the same thing.

Mr. Warren noted that at the last meeting he had stated it was his belief that the elderly communities would need to come back before the town for another vote. He had since spoken to the Selectmen's Office and found that he was incorrect. The decision by the Planning Board at this meeting was the only decision needed. Mr. Pendell noted he had thought the same thing.

Mr. Donald, Building Inspector, asked if this decision meant that trash pickup would start immediately or if it would start on January 1, 2010. Mr. Pendell noted that the implementation date would be January 1, 2010, after the new contract is signed.

Mr. Densen asked if the trash removal company would be the same as it is at the present time for the town. Mr. Pendell noted that the final recommendation from the committee has not been made to the Selectmen yet, but sources close to him noted the committee was leaning toward Waste Management, the present provider.

Mr. Densen also asked if there would be a monthly charge to the condo association for the dumpster, as it was his experience at other locations. Mr. Pendell stated he thought there would be a one-time fee to drop off the dumpster which he thought might be rolled into the total cost of the contract, he was not really sure. He also was not sure if there would be any recurring monthly fee. Mr. Pendell noted that the procedure for billing the town would be that after the truck had its pickup, it would be weighed and the town would be charged as per the tonnage.

Mr. Sullivan opened the floor to abutters; there being none closed the floor.

**MOTION:** Mr. Pendell **MOVED** the Planning Board approve the proposed amendments Country Hills EK PB #09-OG (MBL 16-02-04) to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting. Mr. Warren seconded. Dr. Marston abstained as he is an abutter. The motion passed.

Mr. Cole, Mr. Gilligan, and Mr. & Mrs. Densen thanked the board for their time.

Mrs. White informed Mr. Cole that she would complete the Notice of Decision and send him a copy. Now that the approval was complete, she would take their paperwork to the Registry for recording. When the charges from the Town Attorney for review and from the Registry for recording were received by the office, she would send the condominium association an invoice for both; she did not want to send two separate invoices. Mrs. White asked Mr. Cole where he wanted the original paperwork sent when it was returned from the Registry; Mr. Cole replied she should send it to him at his 2 Autumn Lane address. Mrs. White also noted that the Selectmen's Office had decided to record the Notices of Decision, but that the condominium association would not be charged. A copy of the recorded Notice of Decision will be sent to Mr. Cole when it is received.

Mr. Warren asked would they next be approached to take over the roads for snow plowing and maintenance now that the Town has taken over the trash pickup and recycling? Mr. Donald noted that that could be a possibility if it went to Town Meeting on a warrant article and was approved, but that the Planning Board has no liability for roads. Mr. Pendell noted that from everything he had heard from the associations, that would not be happening since they wanted their roads to be private and not public thoroughfares. Mr. Cole agreed.

Mr. Sullivan close the public hearing.

**Alternates:** Mr. Pendell noted that in checking with the Selectmen's Office, he had found the RSA states the Planning Board could have up to five alternate members, and asked if perhaps they might want to consider adding some more alternates so that they would not have to worry about not making a quorum. In light of the fact Mr. Forrest is busy teaching so much of the year, they might want to add another person who can make it to the meetings when Mr. Forrest cannot. He noted he was not suggesting that any present member be taken off the Board. Mr. Sullivan noted that the Board had operated fine with only 2 alternates 25 years, and that the last meeting was the first at which they did not have a quorum..

Mr. Warren remarked he thought it was more important to make sure that the alternates attended the meetings on a regular basis. Mr. Donald stated it was important for alternates to attend all the meeting as sometimes meetings are continued, and alternates need to have background from one meeting to the next for when they are appointed as a voting member.

**Continued Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-02-17) EK PB #09-OH regarding a prospective tenant for the light industrial park (EK PB #04-OB); Mike Melvin, MSM Excavation.

Mr. Sullivan opened this public hearing at 7:28pm. He thanked Mr. Melvin for returning and invited him to sit at the front.

Mr. Sullivan asked if the Board had any questions for Mr. Melvin.

Mrs. White reported that the Fire Chief was not present as he had had all his questions answered the last meeting. There will be an annual fire inspection. Mr. Pendell stated that he and the Fire Chief had asked about hydraulic fluid and oil; Mr. Melvin had updated his application with that information.

Mr. Donald asked which building Mr. Melvin would be occupying. Mr. Melvin answered that he was in the first bay of building number nine. Mr. Donald also asked when Mr. Melvin was intending on moving in, as he had not issued an occupancy permit for Mr. Masone as of yet. Mr. Melvin stated his anticipated move in date was November 1.

As he had been absent from the last meeting and did not have a copy of the updated application, Mr. Warren asked what the operating hours had been changed to. Mrs. White noted that Mr. Melvin had changed his hours to correspond with the operating hours of the light industrial park, 7:00 am to 9:00 pm, Monday through Sunday.

Mr. Warren noted it appeared that Mr. Melvin would be using the building mostly for storage. Mr. Melvin answered he would be storing his truck and his excavator there.

Mr. Sullivan opened the floor to abutters; there being none, he closed the floor.

**MOTION:** Mr. Warren **MOVED** the Planning Board approve the proposed tenancy for Mike Melvin, MSM Excavation. for the Light Industrial Park. Mr. Pendell seconded. The motion passed unanimously.

Mrs. White informed Mr. Melvin she would be sending his a copy of the Notice of Decision.

Mr. Melvin thanked the Board for their time.

Mr. Sullivan closed this public hearing.

### **Board Business**

**Mr. Ford.** - At the Board's request, Mrs. White had sent a letter to Mr. Ford asking him the status of the fence around his storage units. Mr. Ford had called the Selectmen's Office and reported that the project is not complete, so the fence has not been installed yet.

Mrs. White asked if the board wanted to table this for another year and contact Mr. Ford for an update at that time. A suggestion was made to remove question of the fence completely, but it was ascertained that was not an option since the fence was on the approved site plan.

**MOTION:** Mr. Warren **MOVED** the Planning Board table Mr. Ford's fence question for the period of one year, at which time they would again contact Mr. Ford for update on the status. Mr. Pendell seconded. The motion passed unanimously.

**CIP Information Status.** Mrs. White had sent out requests for information with an October 5 deadline. She reported that so far she has heard from the Cemetery Committee, Fire Department, the Highway Department, and EMS. The Elementary School has their budget meeting on October 5, and will get her the information as soon as possible after the meeting area. She is still waiting for information from the Police, Conservation, Town Clerk, the Library Committee, Historical Commission, and SAU 16, but it is still before the deadline.

**Oct 15 Meeting Agenda.** Mrs. White noted that at the October meeting they would be having public hearings for the CIP and the Growth Management ordinance.

**Building Inspector.** Mr. Donald reported he will issue the following certificates of occupancy in the near future, one each for Country Hills, Winslow Woods, and Clark Road. As soon as Mr. Saverese's current house sells, he will be asking for another building permit. Winslow Woods will also be asking for another building permit as soon as their current one is completed.

**Newton's Charette.** Mr. Pendell had attended Newton's charette, and reported that most of the people he had heard said that they pretty much liked it as it was. He asked Mrs. White based on how Newton's charette came out, how East Kingston could approach theirs. It was reported that there were between 35-50 people in attendance at each of the two sessions.

Mrs. White reported that the Newton Planning Board had had a vision of what they wanted to do as far as promoting some town centers and to allow for some more businesses, and it appears that the people who participated are happy with things just the way they are and do not want any change. They don't mind that they have to travel 20 to 30 minutes for the services they need, as long as the town stays the way it is. People did want to know if they could utilize conservation land for hiking and biking, etc. Mrs. White perceives that it might be the same in East Kingston. Mr. Pendell opined it would depend on who shows up for the forum. There could be one opinion from folks who had lived here for a long time, another opinion from people who had been here from 5 to 10 years and have children in the school, and yet another opinion if there is a mixture of people.

Mrs. White reported that Plan NH came intending to figure out how to do "X", and based on input from the people, ended up doing a report on "Z". They basically had summarized what they had heard from the people; the full report will not be received for 6 to 8 weeks. Plan NH did show an example of how to achieve more density in an area that could be considered a "center". They showed the difference between a traditional loop subdivision and one built up on a through road with a ball field for open area. Two areas that were identified as possible centers were Newton Junction and around the Town Hall on Main Street.

**Plan NH.** Mrs. White had asked Ms. LaBranche to make several more smaller posters to be distributed at various places around Town. The Board appreciated the work she did on the posters, and Mr. Pendell took the 3 she brought to post at a variety of locations. Mrs. White will receive more posters from Ms. LaBranche when she meets her on Tuesday to go over the Growth Management ordinance. Ms. LaBranche will send the file to Mrs. White, who will pass it on to the person who takes care of the website for inclusion there.

Mrs. White recapped that the multipurpose room in the elementary school was reserved, along with a microphone. It was her understanding that tables and chairs were stored in the corner of the room, so they would be there to set up for however many were needed. Mr. Castagna had said he did not need a table, but she thought she would put

a table and chair up front for him so that he would have a place for his paperwork and a microphone, and could sit if he cared to. She was also planning a table for the refreshments.

On that note, Mrs. White asked for volunteers as she was not going to be in town that weekend. Mr. Pendell volunteered to get the key card and open the school, and Mr. Sullivan volunteered to get the refreshments.

**Safety Issue.** Mr. Donald reported there had been a case where a person had stored loose batteries in a box, the acid had leaked, and it had started a fire in his closet. This was something that he had never known about before, and wanted to share that information with everyone so they would be aware. Mr. Warren noted that in actuality the batteries had been left in a battery charger, but it was not plugged in. It did start a fire.

**PREP Update.** Ms. LaBranche had put together a check sheet of information to ascertain what topics the Board thought were important to include in their letter of endorsement to be included in the newsletter. She was also obtaining similar information from the members of the Conservation Commission for their letter. Several members checked off items they thought were pertinent on the check sheet and returned them to Ms. LaBranche, and Mrs. White will e-mail a copy to Mr. Morales for his input. Ms. LaBranche will put together a letter from the Planning Board for the newsletter and bring it to the next meeting for the Planning Board to review.

Mr. Donald asked if it was buffers from Shoreline Protection; Ms. LaBranche noted it was all buffers; not just the ones that were protected. In fact, it was more important to get voluntary stewardship from the residents for the non-regulatory buffers. This includes buffers to wetlands, and rivers and streams in general.

Mr. Donald thought it was important to get information to the general public about Shoreland Protection Act. They needed to understand what it was all about and what it meant. Ms. LaBranche noted that some of that information would be included in the newsletter and that the Planning Board would not have generate it on their own. Although there were only two rivers, Great Brook and the Exeter River, under the Shoreland Protection Act in East Kingston, there were also many more bodies of water and ramifications of abuse to the aquifer that could be addressed.

**Southeast Watershed Alliance.** Mr. Warren had attended a meeting and it was reported that the nitrogen levels were beyond EPA minimum standards, and that at some future time people might be taxed on the amount of nitrogen. Ms. LaBranche reported that if on a voluntary basis the nitrogen levels could not be reduced or kept steady, the government may have to step in and mandate the levels be reduced. Buffers at the edges of the streams would act as natural cleansing mechanisms. Mr. Donald noted it would be a benefit to get people to buy in to the program and reduce the problems they are creating, without too many laws being enacted.

**MOTION:** Mr. Warren **MOVED** the Planning Board adjourn. Mr. Pendell seconded. The motion passed unanimously.

Mr. Sullivan closed the meeting at 8:25 pm.

***Handouts to the Board:***

- Letter to Mr. Ford
- Articles: Workforce Housing; Sprinklers; Stone Walls and Wind Turbines

Respectfully submitted,

*Barbara White*

Barbara A. White  
Recording Secretary

David Sullivan  
Chairman

Minutes approved October 15, 2009