

TOWN OF EAST KINGSTON, NH

PLANNING BOARD

October 15, 1992

Present: Richard Smith, Chairman; Catherine George, Mel Keddy, Robert Marston and Raymond Donald

Others present: Mr. Conti, Building Inspector; Larry Smith, Conservation Commission, and Mr. Bird, RPC

Call to order: Mr. Smith called the meeting to order at 7:35pm.

East Kingston Realty Trust-Pica Mr. Donald inquired if the Board has a firm grasp of all decisions laying out our requirements. He stressed the Board needs to doublecheck for all particulars. He noted that the time it has taken for the final stages has been long and continuity has been lost. He asked if there is a checklist.

Mr. Smith noted that each meeting was preceded with a checklist.

Mr. Donald asked if this was a firm checklist.

Mr. Smith stated that he felt it was fairly firm, not a checklist per se, but he feels that is was fairly firm. He noted that Civil Consultants has been sending letters of concern and they have finally okayed the paperwork as submitted.

Mr. Donald noted that if the Chairman is comfortable, then he is ready to proceed.

Mr. Pica said that at the last meeting they had agreed on two items; the Association documents have been reviewed by Town Counsel.

Town Counsel let Mr. Pica know that they have reviewed and have no problems with them as written.

The second issue is that of Impact fees. He noted that he received a letter from Mr. Smith regarding the Impact Fees. These were the only two outstanding items pending the vote for conditional approval. He noted that the bonding issue would be dealt with at a later date.

Mr. Donald asked if the Board feels comfortable with the "hit list".

Ms. George indicated that they do.

Mr. Pica stated that the \$1200 per lot Impact Fee was acceptable and asked when it would be payable.

Mr. Smith noted there are two options: to pay right up front or with each building permit.

Mr. Donald noted that if the Town waits for the building permit to be issued, the person buying the lot would be left on the hook. He said he would rather see it payable at the sale of the lot and then everything would be completed by the developer.

Mr. Pica agreed that the Impact Fees would be due and payable to the Town upon the sale of the lot.

Mr. Conti inquired if this land was in Current Land Use.

Dr. Marston arrived at this time, 7:50pm.

Mr. Smith noted that the Impact Fee would be diverted to the fixing up of Andrews Lane.

Mr. Donald amended this to "If all Impact Fees are not collected until after money has been spent on Andrews Lane for improvements by the Town, then subsequent fees collected would be retro-fitted to the cost of fixing Andrews Lane.

Mr. Conti suggested that Andrews Lane not be fixed until the heavy construction vehicles are done using the road.

Mr. Donald was not in favor of putting the money into escrow until the next round of repairs would be necessary for Andrews Lane. He wants it to go back to offset the expenditure if repairs are made before Impact Fees are paid, or any portion of Impact Fees remains to be paid.

Mr. Smith reminded Mr. Pica that there is an outstanding amount due for Town Counsel review of the Association documents.

Mr. Pica stated that he understood that conditional approval can still be given. He noted that there is still another review that has not been billed and he is awaiting this, he is not delinquent, he is waiting for a finalized bill.

Mr. Pica also noted that he is awaiting another bill from Civil Consultants for work performed.

Mr. Pica noted that conditional approval can be given (see article 5) before the fees are paid in full. He agreed that all must be paid prior to final approval.

Mr. Pica noted that the Association Documents address meetings and officers; and the cost of maintenance by the Association appears to be taken care of. The actual budget is not yet worked out, and does not have to be until it is filed with the Attorney General's office.

Mr. Smith asked what the resolution for the fire pond was.

Mr. Pica stated they will be placing the dry hydrant and the area is shown on the plans.

Mr. Pica stated that they have no letter from Mr. Colanton as he wants the actual control of the timing of the work, etc. Mr. Colanton will state location in the field. This will be offsetted in the drawings.

Mr. Smith asked what the conditions are.

Mr. Pica said Mr. Colanton wants to be sure that the work doesn't hold up the area when they are playing golf. There is an alternative solution; that being to install the storage tanks for the upper two units. He noted that there are storage tanks for fire suppression at the lower 19 units. Mr. Pica noted that Mr. Colanton was satisfied and happy with the solution, but it is difficult to get an agreement with him. Mr. Pica just can't get a written agreement. He noted that the pond access is what the Deputy Fire Chief wanted also.

Mr. Conti noted that the hydrant will be in place prior to issuance of the first building permit.

Mr. Keddy arrived at this time, 8:05pm.

Mr. Pica noted that he read they do not need the fire pond before a building permit is issued.

Mr. Keddy stated that he talked with Mr. Colanton, who does not have any objection to the dry hydrant. His concern is with returning the golf course to its original condition. He is worried about the new sod, and worried about being left out of the communications. He wants to be assured that the dirt will be replaced where it was and then he would be willing to sign an agreement.

Mr. Pica noted that he also got the message, Mr. Colanton doesn't want to lose revenues and he agrees.

Mr. Donald noted these are all alternatives, does it matter on specifics.

Mr. Conti asked if the Fire Chief has determined if the fire pond is deep enough to be below the ice and frost danger.

Mr. Pica said the Fire Chief told him (Richard Smith and Catherine George agreed) that the fire pond arrangement is okay with him.

Mr. Smith stated that Impact Fees are to be paid when the lot is sold. Rate to be \$1200 per lot.

Mr. Conti was in favor of collecting Impact Fees for the first 10 lots and then collect on the remainder of the lots when sold.

Mr. Donald noted that consistency must prevail, and all other developers were dealt with in the manner before discussed...ie, Impact Fees will be paid upon sale of each lot.

Mr. Conti stated that this was penalizing the rest of the Town.

Mr. Donald countered that one child within a subdivision also penalized the Towns' people.

Mr. Pica noted that he has done all that was requested by the last letter received from Civil Consultants.

Mr. Smith checked that stamps of approvals were indeed on the plans. He noted that fees were now in question.

Mr. Smith stated a letter has been received from Civil Consultants dated September 10, 1992, outlining bonding information. There has been no bill received to date for this information.

Mr. Keddy noted that he agrees with the changes in the Articles of Association.

The Board agreed that everything has been done to vote on Conditional Approval.

Mr. Smith asked for a motion for Conditional Approval.

Dr. Marston inquired if the bounds are set for making the lots.

Mr. Pica noted that the lot bounds are not set until physical changes are completed, ie, roadwork, etc. It was further stated that all bounds at the Andrews Lane property corners have been set.

Mr. Bird asked if any changes have been made in the plan since the September 10, 1992 letter from Civil Consultants.

Mr. Pica stated there were no changes required and none were made; only the Association Documents were changed.

Mr. Bird stated that the plans were pretty well finished and the rest will not have to be ready until they are ready to build, this follows normal procedures for Conditional Approvals. He suggested that the five items as listed be set as conditions for final approval, to update and have these in hand. Mr. Bird saw no reason for not giving conditional approval. He noted that Town Counsel was happy with the Association Documents and the changes addressed his concerns. Mr. Bird advised the Board to put time limits on the Conditional Approval, ie...good for a specific time and the developer should come back for a review at the end ....and that it be the developer's responsibility to come back for an extension if no work has been done. He cautioned not to let it hang without these dates/conditions.

Mr. Pica asked what time span Mr. Bird was suggesting.

Mr. Bird suggested one year, or as the Board deems fit.

Mr. Pica noted this is the fall of 1992 and the economy is expected to remain poor through the second quarter of 1993; and requested a year and one half.

Mr. Keddy noted that construction is busy at the KV subdivision.

Mr. Pica noted that bank financing is tough. He wants to deal with the two top units and market them. He noted he has to make the road at least to basecoat. He would like to do this in one shot. He noted it will cost a lot of money for a few units. He requested the Board consider renewals in 18 months.

Dr. Marston stated there is nothing in the regulations for conditional approval, only final approval.

Mr. Pica stated there is nothing restricting conditional approval.

Mr. Bird noted that the State RSA addresses conditional approvals.

Mr. Smith noted the Board has done conditional approvals in the last three subdivisions. He cited being consistent.

Mr. Donald motioned to grant conditional approval to Site Plan for East Kingston Realty Trust in East Kingston, prepared by R. J. Pica Engineering Co., dated 29 July 1992 and revised September 14, 1992, for eighteen months, and that it be the developer's responsibility to come back for an extension if no work has been done. The five conditions are:

1. Receipt of deed for property to be donated to the school.
2. Receipt of State approvals.
3. Mylars stamped and signed.
4. Receipt of acceptable bonding.
5. Payment of all outstanding review fees.

Mr. Keddy second.

The motion passed 4 yes, 1 abstention (Dr. Marston)

Mr. Pica will supply Town Counsel with a set of plans which will reflect minor changes to set he has in hand.

Mr. Keddy noted the need to change Page 10, Article VI, 1., k., second paragraph: noting this is in contrast with the wishes of the Town inasmuch as it prohibits animals. He noted this area is residential/agricultural and he feels they should be able to keep a dog, cat or horse as desired.

Mr. Pica stated keeping of household pets would be okay, but warned that the lots were not set up to keep larger animals.

Dr. Marston spoke adamantly for keeping of farm animals, noting this is Residential/Agricultural.

Mr. Donald noted that the Town has had to deal with covenants, and they should not violate an ordinance of the Town. The Planning Board should not be concerned if it doesn't violate an ordinance.

Mr. Pica inquired if the Board would be willing to accept designation of an area for keeping farm animals.

Mr. Conti stated that all open area should be used.

Dr. Marston and Mr. Keddy agreed there should be no restrictions.

Dr. Marston noted all lots could accommodate rabbits and chickens, not necessarily cows or goats, etc.; however he favored no restrictions on farm animals.

Mr. Keddy requested that paragraph k. be eliminated as it is not in keeping with the Town's Master Plan.

Mrs. George motioned to revise the previous list of conditions to eliminate from the Articles of Association: (page 10) Article VI, 1. k.

Dr. Marston second.

The motion to revise passed 5-0.

Mr. Pica said that his client is amenable to keeping the Town happy and if any changes are requested, please contact Mr. Pica.

Mr. Pica asked about the changing of the Speed Limits.

The Board asked Mrs. Marden to talk with the Town of Exeter about re-doing the posted speed limits. The request is to post Andrews Lane to 20MPH. Past history will also be checked to see if any such ordinances already exist.

Mr. Keddy stated that he has talked with Gary Sturgis about the Cease & Desist he received from the Selectmen's office concerning his yard sales.

Mr. Keddy mentioned the similarities with the multi-family yard sales at Jerry Bowley's on Rte. 107a and Rte 108.

Mr. Donald noted that the Selectmen received a complaint about Mr. Sturgis from his neighbors. A letter was sent to him requesting him to square away this issue, as he is in the business area, and he must comply with the Zoning Ordinance. The Ordinance has to be enforced as written, one issue being the items being too close to the road.

Mr. Donald stated that hopefully he will come forward with the Site Plan Review. The Board of Selectmen wants him to continue. It was also noted that one of the complaintants also hold weekly sales and has been apprised that the law applies equally to all.

Mr. Donald updated the Board members on several other issues:

1. Greg Swanton - Selectmen issued Home Occupation Permit for landscaping and specifically prohibiting sales of firewood. A cease and desist was issued when this was found in violation. Firewood is now gone and the issue is now at rest.
2. Den's Auto Body - Garage now houses two businesses, old ZBA records were found (from 1977) where an exception was granted to allow one business and restriction of cars allowed outside of the building.

Mr. Conti noted that he has informed Mr. Lapham there are too many signs, cars, etc. Mr. Lapham stated he would remove the sign from the building.

3. Brinkerhoff - Woodcutting business on Rte 107a had a complaint with chainsaw noise. Selectmen talked with Mr. Brinkerhoff.
4. Road repairs on South Road. Because of possibility of gas line traversing South Road at Andrews Lane in near future, sight of repairs was moved up the road this year.
5. Joslin & Giles Road - now paved excluding the bridge. Kingston has paved the other end of Giles Road. Joslin Road culvert repaired.

6. Donald Clark & Nancy Marden have completed the reports and are setting the appointments for setting the tax rate.

Mr. Larry Smith noted that Avitar needs to fix some numbers on the Current Use assessments.

7. Veteran's Memorial - Old bronze casting has been removed, new one on order.
8. FMR - Letter sent requesting him to put into writing, plans for the future of his project at Brandywine.
9. Joe Conti, Building Inspector - Mr. Conti will be leaving for Florida at the end of the month and will return in May.
10. Mrs. Marden will bring the Jerry Bowley question before the Board of Selectmen for their opinion.

Mr. Conti asked if there would be any changes in the Zoning Ordinance this year.

Mr. Smith stated the Board would be working on this during the next couple of meetings.

Mr. Conti submitted his suggestions concerning swimming pools and fencing.

Mr. Bird noted the suggestions were from the BOCA code book and these have never been fully adopted.

There was discussion about the lack of fencing requirements around swimming pools.

Mr. Donald stated he favors seeing this ordinance retro-fitted to existing pools, and mandating the compliance of all pool owners.

Mr. Donald would like to establish a minimum size of additions as well as a minimum cost of value when obtaining building permits (re: adding decks, etc.).

Mr. Conti also noted that a solid foundation is needed on decks.

Mr. Bird noted the only way to get rid of the value argument is to mandate permits for all building.

Mr. Conti noted that some re-phrasing should be done to establish values.

Mr. Conti discussed rambling termites from one site to another, especially from pieces of lumber left scattered on the ground.



Mr. Donald cautioned that some families may have children active in 4-H and projects such as building rabbit hutches, etc. without permits. He stated he would rather loose once in a while, rather than be too restrictive.

Mr. Bird submitted a printout of Mr. Conti's last submission for changes to the Board members.

There was discussion on temporary structures, ie campers, tents, etc.

Mr. Smith and Dr. Marston spoke against creating more regulations.

There was more discussion about the definition of temporary structures.

Mr. Smith cited that two acre sites are big enough to store a camper, motor home, etc. and they should be allowed.

Mr. Donald stated that he has a problem with allowing a manufactured home to live in during repairs to a house without further permitting. He noted this needs to be safe and sane.

Mr. Keddy noted this could be allowable by permit or safety inspection.

Mr. Smith asked if they would be looking for a minimum size for the mobile home.

Mr. Conti opened discussion on signs and fees attached to the permit.

Mr. Donald noted that permitted signs do not require a fee. The Ordinance states a fine of \$100 per day can be imposed. There would be a difference with enforcement and charging of a fee. Mr. Donald questioned that this would be legal.

Incoming Correspondence:

Civil Consultants: Letter dated September 24, 1992  
Environmental Services-Comp. Shoreline Protection Act meeting at  
Sanborn Regional High School, November 12, 1992, 7:30-9:30pm.

Mr. Smith asked the Board if they felt another meeting should be scheduled to draft Ordinance changes.

The Board decided they would have enough time at the next regularly scheduled meeting to do this work. No additional time was scheduled.

Dr. Marston motioned to accept the minutes as received.

Mrs. George second.

The motion passed 4-0.

The meeting was adjourned at 10:03pm.

Respectfully submitted,

Nancy J. Marden  
Administrative Assistant

Typing completed: Oct. 21, 1992