

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
October 15, 1998

FILE

AGENDA

- 7:45 Subdivision Regulations Amendments – Public Hearing
8:00 Susan O’Flaherty – 57 Depot Road – Home Occupation – Public Hearing
8:15 Thomas Gage – Powwow River Road Subdivision Proposal - Discussion
9:00 Lee & Sunok Stone – Voluntary Lot Merger – Public Hearing

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, John L. Fillio – Ex-officio, and Alternate Robert Nigrello (9:00).

Absent: Dr. Robert Marston, Catherine J. George, Alternate Beverly Fillio, Building Inspector Glenn P. Clark, and Conservation Commission Chairman Lawrence K. Smith.

Others attending: Sarah Campbell– RPC(8:15), Susan & Philip O’Flaherty, Ludlle Lindsay, Sandra Osborne, Thomas Gage, Richard Parker, Sr., Gerry Miller, Kenneth Kuster, Lee & Sunok Stone, and Dennis Quintal –PE.

Chairman Smith called to order this October 15th public planning board meeting at 7:30 p.m. with the roll call.

September 17, 1998 Planning Board Minutes: The Board reviewed the minutes dated 9/17/98 and noted corrections.

MOTION: Mr. Johnson motioned to accept the September 17, 1998 Planning Board minutes as corrected. Mr. Fillio second. With no further discussion, the motion passed 3-0.

Incoming Correspondence: Chairman Smith noted the following incoming correspondence:

1. Storm water drainage product brochure; and
2. RPC calendar. Members requested a copy of the calendar.

Joint Board Meeting : The Board was reminded of the upcoming joint board meeting with the Planning, Zoning and Selectmen Boards to be held on Thursday, October 29th. Planning Board members requested a copy of the agenda prior to the meeting.

Mr. Fillio stated that the boards’ relationship and communication must be improved and that this meeting would be like a work session.

Subdivision Regulation Amendments – Public Hearing: Chairman Smith opened the public hearing for subdivision regulation amendments at 7:45 p.m. He explained that the first amendment of SECTION XII.B. Procedure (page 14) is a statute amendment that must be incorporated into the town’s subdivision regulations. This statute governs the planning board’s time for consideration of applications, (see attached).

At Mr. Johnson inquiry, it was noted that the recording secretary would be responsible for notifying the applicant if the board deemed the application incomplete. With no questions from the public,

MOTION: Mr. Johnson motioned to adopt the amendment to Subdivision Regulation Section XII.B. Procedure as presented. Mr. Fillio second. With no further discussion, the motion carried 3-0.

Chairman Smith addressed the second proposed amendment to amend SECTION III Procedure (page 2) and SECTION XII (page 14) by deleting unnecessary subsections and redistributing selected text (see attached). With no questions from the public,

MOTION: Mr. Fillio motioned to adopt the amendment to Subdivision Regulation Sections III and XII as presented. Mr. Johnson second. With no further discussion, the motion carried 3-0.

Chairman Smith addressed the third proposed amendment to delete SECTION XII.D Final Plan (page 3) as it is covered in III.A and has an incorrect reference (see attached). With no questions from the public,

MOTION: Mr. Johnson motioned to adopt the amendment to delete Subdivision Regulations Section XII.D as presented. Mr. Fillio second. With no further discussion, the motion carried 3-0.

Chairman Smith then addressed the fourth and final proposed amendment to amend APPENDIX C Design Specifications for Cul-De-Sac Street (page 20) by removing the center circle, thus requiring the complete circle to be paved to accommodate snow removal at the recommendation of the road agent. With no questions from the public,

MOTION: Mr. Fillio motioned to adopt the amendment to Subdivision Regulation Appendix C Design Specifications for Cul-De-Sac Street as presented. Mr. Johnson second. With no further discussion, the motion carried 3-0.

Susan O'Flaherty – 57 Depot Road – Home Occupation – Public Hearing: Chairman Smith opened the public hearing for Susan O'Flaherty's home occupation proposal at 8:00 p.m.

Mrs. O'Flaherty stated that she is proposing a small pottery studio and shop from her home. She stated the studio portion would be located in the barn and the shop on the front porch of her house. She then submitted a sketch of the property showing a proposed parking lot behind the barn.

Abutters Sandra Osborne and Lucille Lindsay both stated that they are in favor of Mrs. O'Flaherty's proposal.

Mrs. O'Flaherty stated that a the new pathway/walkway has been installed. At the board's recommendation, Mrs. O'Flaherty stated that she will post a sign directing patrons to use the back parking lot. She further stated that if she sees a patron park on the roadway, she will personally ask them to relocate to the back parking lot.

Discussion of the distance from the road and the pathway ensued. Members expressed their concern with the distance between the road and the barn, but agreed that as long as patrons did not park out by the road, there should be no danger.

Mrs. O'Flaherty stated that she and her husband currently park out in front of the barn without any problems. She further noted that patrons will be directed to use the front pathway to access the shop which will be located on the front porch of the house, citing that the topography in the back yard makes it difficult to enter the shop from out back. She stated her hours of operation to be by appointment only during the week and 10-4/5 on Saturdays and 12-4 on Sundays. She may consider opening an extra day during the holidays. She also stated that she may increase her hours of operation after April.

At Mr. Fillio's inquiry, Mrs. O'Flaherty stated that she will be selling only products made from her home.

MOTION: Mr. Johnson motioned to recommend the Selectmen approve the application for a home occupation permit to operate a pottery shop and studio from 57 Depot Road, MBL# 09-04-05. Mr. Fillio second. With no further discussion, the motion carried 3-0.

The recording secretary then explained the home occupation process to the applicant stating that the final decision for approval rests with the Board of Selectmen and that this recommendation by the Planning Board will be forwarded to the Selectmen for the Monday, October 19th meeting. Mrs. O'Flaherty was advised to contact the Selectmen's office to verify that her application would be addressed on that date.

Thomas Gage/La Noria Development Corporation – Powwow River Road Subdivision Proposal – Discussion: Chairman Smith opened discussion at 8:15 p.m. for Thomas Gage's proposal for subdivision on property located on Powwow River Road.

Mr. Gage stated that for the record, his company La Noria Development Corporation is proposing the subdivision and that he represents the company. He also stated that the property is currently owned by Robert and Richard Charlesworth. He noted that Richard Charlesworth has power of attorney for the land and that his indication so was submitted for preliminary discussion. He inquired if this statement would suffice or would Robert also need to sign off.

He went on to say that the property is about 25 acres and that he is looking for guidance and feedback from the Planning Board to subdivide this parcel into 7 buildable lots. He stated that he hopes to submit a completed application in time for a November public hearing. He then introduced Mr. Richard Parker, Sr. of Parker Survey and Mr. Gerry Miller plan designer.

At Mr. Gage's inquiry of whether Richard Charlesworth's memorandum would suffice as proof that he and his brother, Robert are working together on this project, the board requested Mr. Gage submit documentation of Richard Charlesworth's power of attorney status.

Mr. Parker then directed the board's attention to a conceptual plan of a 7-lot subdivision to be named Woldridge Meadow. He noted that lot #1 shows a parcel of 6 acres. This was designed as a 6-acre lot to accommodate the wetlands on that lot. He stated that the wetlands have been delineated by NH Soils. He pointed out that the driveway to that parcel would be located along the boundary to create as little a wetlands impact as possible.

Mrs. Campbell entered the meeting at 8:20 p.m.

Mr. Parker stated that test pits have been completed and witnessed by the building inspector. He went on to say that only one area of the proposal needs a waiver and that is the length of the cul-de-sac. East Kingston Subdivision Regulations allows for a cul-de-sac not to exceed 1000 feet and this proposal is requiring 1100 feet. He explained that the 100-foot extension was designed to place the cul-de-sac in a dry area thus creating minimum wetland impact.

He went on to discuss the farm pond reflected on the plan and inquired whether or not the Planning Board would approve of converting this existing farm pond into a fire pond. It was noted that all fire protection plans must be reviewed and approved by the Fire Chief.

Mr. Gage stated that the plan also reflects a road connector to abutting land owned by the Bakie Estate. He expounded that an easement agreement made by the fathers of the late John Bakie and the Charlesworth's would need to be honored in this proposal. He stated that although the actual easement was running straight through the wetlands, a new easement would be designed to prohibit land-locking the Bakie land, thus upholding the spirit of the easement agreement. He stated that the right-of-way would need to be released, rewritten and recorded.

Attention was directed to the access road with Mr. Parker stating there was little option for its location. He said that State driveway approval would be needed. Discussion of the site distance and the existing sharp bend in the road transpired.

Mr. Gage stated that he may sell the lots undeveloped to a developer singularly or as a package and that he doesn't anticipate constructing 7 houses in one year. It may be a 2 to 3 year project.

Mr. Parker asked if the board could direct him in whether or not they (board) would consider converting the farm pond into a fire pond. He stated that Dredge and Fill permits would need to be obtained and that it was a waste of time to apply for them if the board would not consider the conversion.

Members expressed that the Conservation Commission Chairman should review the plans and submit his recommendation and comments back to the board. It was noted again that fire protection projects must be approved by the Fire Chief.

Mrs. Campbell advised that the following items be reflected on the plan:

1. proposed driveways;
2. test pits, perc tests, & 4K areas as outlined in the Subdivision Regulation IV.R; and
3. new MBL#'s as assigned by the Selectmen's office.

Discussion on the submission of an incomplete application transpired. It was the concern of the applicant that because the Dredge and Fill permit, the fire pond approval and WSPCD permits would not be obtained in time for the formal public hearing [thus the application would not be complete] would the Planning Board invoke jurisdiction to act on the cul-de-sac's design.

Mr. Nigrello entered the meeting at 9:00 p.m. and Chairman Smith designated him to vote in any matters before the board.

The board agreed that it may be possible to invoke jurisdiction on an incomplete plan for the purpose of considering the cul-de-sac length issue.

Lee & Sunok Stone— Voluntary Lot Merger —Public Hearing: Chairman Smith opened the public hearing at 9:10 p.m. for Lee & Sunok Stone's request to merge two lots located on Rowell Cove Road.

Mr. Stone stated that he purchased the lot next door to accommodate a new septic system for the house located on his lot. Both lots (MBL# 02-01-27 & 02-01-28) are undersized lots. He hopes that once combined, he can upgrade his septic system.

Mr. Dennis Quintal, PE stated that with the two lots combined, both the state and town's setbacks for septic system replacement can be met. He further stated that the newly acquired second lot does not contain any wetlands. He explained that at the lot's first

inspection wetland vegetation was present, but after conducting a test pit, the soils were designated dry. This is not a wetland situation.

Mr. Stone stated that he has obtained a Quit Claim Deed to have both properties placed in his wife's name as identical ownership of both lots is one of the statute's requirements.

The board reviewed the plot plan, deed, proposed septic plans and merger application.

MOTION: Mr. Filio motioned to approve the Voluntary Lot Merger to combine MBL# 02-01-27 & 02-01-28, located at 26 & 28 Rowell Cove Road as presented. Mr. Johnson second. With no further discussion, the motion carried 4-0.

Mr. Stone was informed that the application requires the signature of the Planning Board Chairman and the Tax Assessor (Selectmen), and that upon receiving them the application will be recorded at the Registry of Deeds. For the record, Mr. Stone submitted \$20 cash to the recording secretary to cover the recording fee for this approved proposal.

Zoning Amendment Proposal: The board entertained discussion about amending the Temporary Housing provisions to allow replacement dwellings to be constructed on lots with the condition that a security bond be procured to guarantee the removal of the older dwelling at the completion of the new one and delete the reference to emergency situations. Mrs. Campbell will draft this amendment for presentation at the November meeting along with a draft for temporary signage.

Office of State Planning Fall Conference: The board acknowledged registration forms for the upcoming OSP Fall Conference to be held November 14, 1998. Members were asked to respond to the recording secretary by October 28th if they were interested in attending.

Home Occupation Ordinance: The board discussed the possibility of amending the home occupation ordinance to clarify the nonconforming provisions. Members noted that the original intent of that provision provided that existing home occupation owners who did not apply for a permit within the permitted time frame, (by the 2nd quarter of 1989) were not eligible for grandfathering and could not apply for a permit later. Anyone who operated a business back in 1989 and did not apply for a permit back in 1989 is in violation of this ordinance. Members inquired if fines could be imposed on business owners who are in violation [for not coming forward].

Selectmen Letter of Request Re:Brandolini: The board discussed the letter from the Board of Selectmen dated September 29, 1998 requesting that the Planning Board readdress Mr. Brandolini's application. It was the consensus of the board that the response to the Selectmen is that to readdress the application would not be productive and that the motion rendered by the Planning Board on September 17, 1998 stands.

With no other business before the Board,

MOTION: Mr. Johnson motioned to adjourn. Mr. Nigrello second. The motion passed 4-0 and this October 15, 1998 public planning board meeting ended at 10:42 p.m.

Respectfully submitted,

Catherine Belcher
Secretary
Minutes complete and on file October 16, 1998.