



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2003-2004:
James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman

MINUTES

(Regular Meeting of 16 October 2003)

AGENDA:

7:00PM- **Board Business**

7:15PM- **Briefing** by Ms. Theresa Walker, Rockingham Planning Commission, concerning the Exeter River watershed and other water bodies, and the effects of non-point source pollution.

7:45PM- **Continued Public Hearing** for a proposed 2-lot subdivision at 16 North Road, MBL 14-3-5, of Mr. Wayne Ewald (PB#03-09).

8:15PM- **Continued Public Hearing** for a proposed 41-unit elderly housing site plan with a community center of Messrs. Scapicchio & Mower involving MBLs 13-3-1 & 14-4-24 (PB#03-0F).

9:20PM- **Public Hearing** for a proposed lot line adjustment of Mr. Glenn J. Tebo involving MBLs 6-2-17 & 6-2-10, and Kingston properties R37-18-3, R37-18-2B & R6-2-10 (PB#03-11).

10:00PM- **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:01PM.

ROLL CALL: Mr. Day called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Mr. JL Fillio, ex-officio, Dr. RA Marston, DVM, Vice Chairman RA Smith, Sr.

Alternate members absent – Mr. JD Burton and Mr. EV Madej

Advisors present – Ms. Maura Carriel, Rockingham Planning Commission (RPC) Senior Planner
Mr. LK Smith, Chairman, East Kingston Conservation Commission Chairman
Fire Capt. Andrew Conti, East Kingston Fire Department
Mr. Kory Skalecki, East Kingston Building Inspector

BOARD BUSINESS:

Mr. Day introduced Mr. Kory Skalecki as East Kingston's newly appointed Building Inspector, and welcomed him to the proceedings as an advisor. Everyone cheered. It was noted that apologies were made to the Baseball Commissioner for our having the temerity to hold a meeting on the evening of the American League final pennant game.

Correspondence-

Mr. Day asked the Board whether any of the assorted flyers and announcements received regarding planning and conservation activities warranted further attention. Mr. Smith presented two mailings:

1. The NHMA forwarded a memorandum correcting calendar dates that impact planning boards.
2. *Cartographic Associates, Inc.*, offers an on-line service to publish the Town's GIS information. Mr. LK Smith noted its just more junk mail.

Notes & Asides-

NH OSP Smart Growth audit. Ms. Carriel noted that Mr. Charles Lawton, consultant to OSP, ought to have his report available to us within the next fortnight.

PB budget. Mr. Day noted that the Board of Selectmen are holding their department head meeting Monday, 20 October 2003, in the Town Office conference room (basement). Next year's budget is to be discussed, and all are invited to attend.

PB/ZBA Recording Secretary. The application period was concluded 15 October, and two very good candidates are promising. Mr. Day noted an offer has been made to one candidate, and if it is accepted, she should meet with the selectmen on 20 October to discuss employment.

Minutes- Mr. Smith observed that we had yet to approve last meeting's minutes.

MOTION: Mr. Fillio **MOVED** to accept the minutes of the 18 September 2003 Planning Board regular meeting as written, and Mrs. Belcher seconded.

Dr. Marston noted the misspelling of "Hogg's", and Mr. LK Smith noted an abutter address to be in Exeter, rather than Kingston. Mr. Day noted the corrections and called for the vote on corrected minutes. The motion carried unanimously.

ROCKINGHAM PLANNING COMMISSION (RPC) BRIEFING BY MS. THERESA WALKER.

Ms. Walker gave a very informative briefing on the nature of non-point source (NPS) pollution. She described how planning boards can ameliorate the effects of NPS pollution through refocusing how development is considered in its earliest planning stages. Techniques involving conservation subdivision design and storm water management could require a reexamination of both ordinances and regulations, and board procedures for plan reviews.

Ms. Walker suggested the RPC can be of assistance to the Planning Board by reviewing its present ordinances and regulations, with an eye to recommendations for refocusing planning procedures and priorities. She also noted that an effort to educate the public about such matters as septic system maintenance and water run-off can be effective.

Mrs. Belcher observed that public education could be something the Board can do in the short term and on a continuing basis, and Ms. Walker suggested a flyer to be distributed at Town Meeting. Mrs. Belcher also liked the idea of naming Town water bodies, rivers, and streams in our regulations. Awareness would thereby be raised before development is proposed, rather than after a plan is already put together for review.

Mr. LK Smith noted that we are seeing more and more of the good uplands in East Kingston being developed. As a consequence, development is encroaching inexorably toward the more fragile environments around water bodies and wetlands, and we should be paying close attention to storm water management.

Mr. Smith indicated that we would benefit by maximizing open space, and concentrating development construction to minimize the creation of impervious surfaces.

Ms. Walker noted that she would work with Ms. Carriel, and prepare materials for a Town Meeting flyer describing NPS pollution and storm water management, and be available herself for a Planning Board workshop involving review of our ordinances and regulations.

Mr. Day thanked Ms. Walker for her presentation and support, and accepted her offer for help.

CONTINUED PUBLIC HEARING FOR A PROPOSED 2-LOT SUBDIVISION AT 16 NORTH ROAD, MBL 14-3-5, OF MR. WAYNE EWALD (PB#03-09).

The hearing was opened by Mr. Day with a brief description of the plan, noting that revised plans had been submitted and reviewed which now included provision for fire suppression. He then asked the presenter, Mr. Saari, to whom the Board should send billing invoices for this project. Mr. Saari clarified that Mr. Timothy Carey had not yet purchased the property from Mr. Ewald, and that bills could be sent to him at *Jones & Beach*.

For the applicant: Mr. Erik Saari, *Jones & Beach Engineers, Inc.*, Stratham. Mr. Saari gave a brief description of the revised plan, at the heart of which was inclusion of a 30,000 gallon water cistern on the northerly lot. He noted

that he had received subdivision approval from the State, and NHDOT had given him verbal approval for the two driveway proposals.

Mr. Smith observed that the proposed house numbers for the two lots did not appear to follow any logical pattern. Mr. Saari noted that the numbering had been obtained from the selectmen's office, which Mr. Fillio confirmed.

Mr. Day opened the hearing to a better comment. There being none, Mr. Day closed the hearing to a better comment.

Board discussion ensued as to whether it had taken jurisdiction at the first public hearing. The Board considered the plan as complete, and so as to avoid any procedural question, chose to (re)vote on jurisdiction.

MOTION: Mr. Fillio **MOVED** the Planning Board take jurisdiction of the Ewald 2-lot subdivision plan (PB#03-09). Dr. Marston seconded, and the motion carried unanimously.

Discussion ensued about whether the plan is sufficiently complete to grant conditional approval. It was noted that monumentation was yet to be done, and easement language for the fire suppression cistern on one lot was required for review by Town Counsel. Administrative conditions were also noted, and the remaining conditions for approval were identified as the following:

- 1- NHDOT approval of driveways for the two newly created lots.
- 2- Fire Department written approval of the proposed fire suppression plan.
- 3- Easement language for the fire suppression cistern on the affected lot approved by the Fire Department and Town Counsel.
- 4- Lot boundary monumentation using concrete or granite boundary markers confirmed, and a Certificate of Monumentation signed and issued by the East Kingston Building Inspector.
- 5- All fees and charges due the Town in connection with the subdivision, including but not limited to, the reviews of Town Counsel, Town Engineer, RPC Senior Planner, Building Inspector, and Fire Department, and administrative costs incurred by the Town be fully discharged.
- 6- Final mylars for plan set pages A1 and C1, together with three (3) full-sized plan set paper copies and one (1) 11x17" copy, be submitted to the Planning Board for signature and recording.

MOTION: Mr. Fillio **MOVED** the Planning Board grant conditional approval for the Ewald 2-lot subdivision of 16 North Road, MBL 14-3-5, to create two residential building lots. The conditions are:

- 1- NHDOT approval of driveways for the two newly created lots.
- 2- Fire Department written approval of the proposed fire suppression plan.
- 3- Easement language for the fire suppression cistern on the affected lot approved by the Fire Department and Town Counsel.
- 4- Lot boundary monumentation using concrete or granite boundary markers confirmed, and a Certificate of Monumentation signed and issued by the East Kingston Building Inspector.
- 5- All fees and charges due the Town in connection with the subdivision, including but not limited to, the reviews of Town Counsel, Town Engineer, RPC Senior Planner, Building Inspector, and Fire Department, and administrative costs incurred by the Town be fully discharged.
- 6- Final mylars for plan set pages A1 and C1, together with three (3) full-sized plan set paper copies and one (1) 11x17" copy, be submitted to the Planning Board for signature and recording.

Mr. Smith seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

CONTINUED BOARD BUSINESS: The Board reviewed the work to be done that is time-sensitive, and agreed to hold a working session at the Town Hall on Thursday, 6 November 2003, at 7:00PM. The agenda will consist primarily of reviewing the Growth Control ordinance, updating the Capital Improvements Plan, and crafting what ordinance changes will be placed on the Town Meeting 2004 ballot. Ms. Carriel agreed to research what data would be useful regarding the Growth Control ordinance.

CONTINUED PUBLIC HEARING FOR A PROPOSED 41-UNIT ELDERLY HOUSING SITE PLAN WITH A COMMUNITY CENTER OF MESSRS. SCAPICCHIO & MOWER INVOLVING MBL513-3-1 & 14-4-24 (PB#03-OF).

The hearing was opened by Mr. Day with a brief description of the application progress to date.

For the applicant Mr. William Gregsak, P.E. Mr. Gregsak made a brief presentation to describe the present application configuration. He noted that since the last hearing, the Board has conducted a site walk on the premises, and he has consulted with the East Kingston Fire Chief and Town Engineer. The Fire Chief had critiqued the fire suppression plans, and the Town engineer has not completed his review.

Mr. Gregsak suggested that some of the hearing's time be devoted to resolution of questions and concerns regarding Andrews Lane. He presented new plan set pages for Andrews Lane and the hard-surfaced emergency access road, and a colored graphic of Andrews Lane to describe its present condition, and what he proposed by way of off-site improvement to it. He noted that Dr. Scapicchio owns a 30 foot-wide right-of-way from the Town-owned end of Andrews Lane to its terminus cul-de-sac, a length of approximately 600 feet. The road is 14 to 16 feet wide of crumbling bituminous concrete, and badly distressed with pot holes and corruption. In large areas, pavement is non-existent. Mr. Gregsak attributed the road's condition in some degree to the local topography and drainage, noting that run-off from northerly uplands drains into the poorly and very poorly drained soils around and behind properties on the north side of the road. It then in turn courses through marginal cross-road culverts, spilling onto the road itself and running to the south.

Mr. Day asked that the Board be given full-sized pages of the two new plan set pages just presented, and Mr. Gregsak acknowledged they would be made available.

Mr. Gregsak proposed a drainage system consisting of at least three catch basins, two on the road's north side, to control the flow of run-off and direct it to the wetland area of the site plan south of the Andrews Lane houses. He proposed the road be re-done to the cul-de-sac to standards consistent with the Town-owned portion of the road. It would be 16 feet wide with a treatment swale on the sides, and an improved grading for drainage with minimal impact to abutting properties. The terminus cul-de-sac would be a paved circle of 25 foot radius.

As to the emergency access road proposal from the end of Andrews Lane to the development cul-de-sac, Mr. Gregsak noted that the Fire Chief had explained that a 16 foot-wide hard-surfaced road would be required by virtue of the road's grade, with 3:1 side slopes. He observed that the road grade was to be improved to a more uniform 5%, but that would require filling an additional 4,000 square feet of poorly drained soil wetlands. He noted that a waiver request for a 2:1 side slope with a guard rail would help to mitigate that wetlands impact.

Mrs. Belcher enquired whether a 5% grade for the access road would be acceptable to the Fire Department. Fire Capt. Conti said it would be, given there is a hard surface 16 feet wide.

Mr. Fillio asked who would be responsible for maintaining the drainage system and catch basins. Mr. Gregsak stated that it would be the development association's responsibility, along with the maintenance of the private portion of Andrews Lane, and ploughing of the streets in the Winter. Mr. Fillio expressed his scepticism about whether any homeowners' association would be competent or conscientious enough to attend to such details. He felt that, in the final analysis, the Town would be burdened with policing these matters, and incurring the costs to do so. No one disagreed.

Mr. Fillio then enquired about the slope of the emergency access road. On the original plan it had been noted to be 8%. Mr. Gregsak stated that Fire Department concerns prompted redesign of the road to a 5% grade which, in turn, will require some filling and a side slope waiver request. Mr. Fillio directed his concern to Fire Capt. Conti about whether even a 5% grade is acceptable under icy conditions. Mr. Conti responded that so long as the road is hard-surfaced, and ploughed, a 5% grade is acceptable.

Mr. LK Smith asked about the drainage report. He observed that the plan maps provided were 11x17"s, and he requested full-sized maps for the Conservation Commission. Mr. Gregsak indicated the full-sized plans should have been included, and will provide them.

In response to Fire Capt. Conti, Mr. Gregsak noted that the fire suppression cistern will be relocated to immediately adjacent to the road, and positioned in such a way as to be within 1200 feet of every development structure.

Mr. Day opened the hearing to abutter comment.

Mr. John Ryan, Esq., acting for "Hobbs" Hill Limited (Mr. Michael Dingman), stated he had three questions and comments:

- 1- He asked how much of Andrews Lane is private and owned by Dr. Scapicchio.
- 2- He expressed concern once again that the Board is being asked to consider a waiver for a cul-de-sac that is double the length allowed by Town regulations. He suggested that the proposed length decision was being driven by the potential yield in residential development, without regard to the topography or environment.
- 3- He expressed concern once again about the site distances at the East Road entrance, and felt that the Board should request the applicant provide the same information the State required in its application.

Dr. Marston asked Mr. Ryan if he knew Mr. Dingman, and was he familiar with his property in Kensington. Mr. Ryan suggested that he did, to which Dr. Marston pointed out that "Hobbs Hill" was in fact "Hogg's Hill".

Mr. Day thanked Mr. Ryan for his comment. He reiterated the Board's position with regard to a cul-de-sac length waiver request stating that the reason for the regulation cul-de-sac length limitation, and the primary consideration, is safety. If the Board can be satisfied that a longer length can be justified to the benefit of all, then such a waiver could be considered.

Mr. Ellsworth Russell, 35 Andrews Lane. Mr. Russell stated he had two questions:

- 1- Will the emergency access road be gated at both ends?
- 2- His house presently has a curtain drain to the wetlands. What will happen to that with a redesigned road and catch basin system?

Mr. Gregsak responded indicating that there will be only one gate, at the Andrews Lane end of the access road, but that there will be a sign at the development cul-de-sac stating the road is intended for emergency vehicles only.

As for Mr. Russell's curtain drain, as well as the neighbor's across the street, Mr. Gregsak thought they could be tied into the catch basin drainage system to the wetlands.

Mr. Cory Caldwell, Portsmouth, an engineer acting for Mr. Dingman. Mr. Caldwell asked what the impact on wetlands will be, given the present plan. He also asked about road side slopes of steeper than the regulation 3:1.

Mr. Gregsak responded that, with the requirement for a hard surfaced access road, the wetlands impact will be approximately 11,000 square feet. To minimize that impact, he is proposing side slopes of 2:1 with a guard rail.

Mr. Day closed the hearing to abutter comment.

Mr. Gregsak noted that he had spoken with Town Engineer Jay Stevens, but had not received his review comments. He did say he had the Fire Chiefs and Ms. Carrie's comments to work with, and to Mr. Day's enquiries, intended to submit a lighting plan and a landscaping plan if what is already provided in the plan set is insufficient.

Mrs. Belcher expressed concern that there remain a number of issues the Board should be made satisfied with, to wit: the close proximity of development disturbance and structure placement to abutting properties, and the clear understanding of what dangers may lurk at the development road entrance at East Road. She noted that, in any event, she would strongly encourage the provision for an acceleration/deceleration lane on East Road to help alleviate the pressure from overtaking traffic.

Mr. Day asked in conjunction with Mrs. Belcher's concerns what the slope of the proposed entrance road will be at the East Road end and intersection. Mr. Gregsak referred to sheet #16 of the plan set and noted that slope to be minus 1%, increasing to minus 5% as the road progresses toward the cul-de-sac.

Mrs. Belcher noted that the Board should pursue discourse with NHDOT regarding the East Road intersection, and there was tacit agreement the Board would do that. When queried, Mr. Gregsak observed that the Board already has the information submitted to the State for the roadway intersection. Ms. Carriel stated that the NHDOT district manager could be approached about the matter, and Mr. Day confirmed the Board would encourage her to approach him about it. Mrs. Belcher stated further that we can still ask our own Police Department for their input and information about the stretch of East Road in question. Mr. Day noted he will contact the Police Chief to that effect.

Mr. Filio stated that he shall insist the fire suppression cistern(s) be placed immediately in the ground when they are brought on site. He noted that the Town has had unfortunate experience with cistern failure because a tank was allowed to sit exposed to the elements too long, and they are very expensive to replace. No one disagreed.

Mr. Smith asked whether a traffic study will be required. Mr. Day spoke for the Board, noting that our concerns about the East Road curve east of the intersection, traffic, and sight lines clearly warrant a traffic study be done, and Mr. Gregsak agreed to it.

Mr. Day observed that the next regular meeting is five weeks away, and Ms. Carriel asked that any revised plans be submitted to her with enough time for review and response. It was agreed that she should have any revisions and changes not later than Thursday, 6 November 2003.

Mr. Gregsak requested the Planning Board continue the public hearing until the regular meeting in November.

MOTION: Mr. Filio **MOVED** the Planning Board continue the public hearing for the 41 unit elderly housing development site plan of Scapicchio/Mower involving MBLs 13-3-1 & 14-4-24 until 20 November 2003 at 7:55 P.M. Mr. Smith seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING FOR A PROPOSED LOT LINE ADJUSTMENT (LLA) FOR GLENN J. TEBO INVOLVING MBL S6-2-17 & 6-2-10, AND KINGSTON PROPERTIES R37-18-3, R37-18-2B & R6-2-10 (PB#03-11).

The hearing was opened by Mr. Day who noted that Mr. Tebo's LLA involving 11 Greystone Road has yet to be recorded. He further stated that all the conditions of approval have not been met, such as a completed Certificate of Monumentation, and he felt that for the applicant to have already submitted a mylar for Board signature before the approval conditions were met was a bit premature. He also noted that the Kingston Planning Board approval was required before he could sign any such mylar.

For the applicant: Mr. Henry H. Boyd, Jr., LLS, *Parker Survey & Engineering*. Mr. Boyd observed that it was his understanding that all the approval conditions for the first LLA had been met, and he was now prepared to address Mr. Tebo's present proposal. He referred to the review memorandum of 6 October 2003 prepared by Ms. Carriel, Senior Planner, noting that it called for a note on the plan documenting the LLA for 11 Greystone Road. The remaining comments he felt could be addressed as he presented Mr. Tebo's newest plan.

Discussion ensued about the nature of subdivisions and LLAs, and what the Board was being asked to address in this particular hearing. After some deliberation, the Board clarified for itself and the applicant that the LLA application for this hearing, if taken in isolation as a single residence building lot, would not trigger any new requirement relating to fire suppression, but in the event a further subdivision or some more involved site plan were presented, then current regulations would apply, necessitating the provision of at least one 30,000 gallon fire suppression water cistern.

Mr. Boyd stated that the present LLA reflects Mr. Tebo's plan to design an elderly housing project. The East Kingston ordinance calls for a minimum of 10 acres for any such plan, and the new East Kingston lot bounding Greystone Road, together with pieces of three Kingston lots off of Grand View Terrace, meets that requirement. Mrs. Belcher expressed some scepticism in view of the odd pieces of Kingston property, the failure to note exact wetlands boundaries, and the continued appearance of Mr. Tebo's unwillingness to divulge his true intentions. Mr. Tebo offered to clarify by stating that his attorney, John Ratigan, Esq., of *Donahue, Tucker, & Ciandella*, recommended first applying for this LLA to establish clear property lines before conveying the land into a trust. Thereafter, planning and finances could be conducted through the trust.

Without being recognized by the chair, a buter Mr. James Malatras, 19 Greystone Road, Kingston, interjected that he wanted to know before it was too late to do anything whether the Board was aware that Mr. Tebo had already begun to push in a road from Greystone Road, and that there was some heavy equipment on the site.

Mr. Day noted that he had been informed by the East Kingston Building Inspector that he had attended to septic system site work with Mr. Tebo, and the heavy equipment and a gravel path were necessary to do it. The first LLA affecting 11 Greystone Road required reconfiguring that property's septic leech field to keep the entire system within the new lot boundaries. Mr. Skalecki confirmed his involvement and the presumed activity, and Mr. Malatras left the hearing.

Mrs. Belcher stated she felt strongly that before the Board should consider anything seriously, the first LLA should be recorded. Mr. Day agreed, and suggested further that, rather than taking these steps individually, perhaps it would be better to propose both a LLA and a site plan at the same time. The two proposals would be treated separately, but at the same time, the Board could thereby make better, considered, judgments about each with an understanding of the other.

Mr. Day opened the hearing to abutter comment.

Mrs. Jeanne Furfari, 13 Greystone Road, questioned why it was an elderly housing development was now being considered, whereas the last she had heard was a cul-de-sac with a few houses. She asked whether this apparent vacillation between plan concepts was typical, because the uncertainty of it all was making her nervous. She said that she would very much like to know what is going on.

Mr. Day commiserated with Mrs. Furfari, suggesting that it is not uncommon for plans more complicated than just a house lot to go through repeated iterations before a final plan is decided upon. Mr. Day offered his opinion that perhaps even Mr. Tebo was not sure what best to do with the property. But in any event, the Planning Board's job is to be sure the final plan conforms to East Kingston's ordinances and regulations, and is in keeping with the spirit of the Town's Master Plan.

Mr. Charles Stern, Hampstead, NH, an abutter, asked to be able to see some sort of preliminary plan, or drawing. He indicated he was uncomfortable with the uncertainty of the final outcome.

Mr. Day closed the hearing to abutter comment.

Mr. Boyd admitted there are no plans done for either a subdivision or elderly housing. He recognized that it is presently still a "pencil exercise". Mr. Tebo did clarify that he had no intention of trying to push a road through to the Kingston side.

Mr. Day observed that if serious thought is being given to an elderly housing project, a community center must be included. Neither Mr. Boyd nor Mr. Tebo appeared to be aware of that requirement, the result of an ordinance change public hearing held on 19 June 2003, and Mrs. Belcher offered her change copy to Mr. Boyd.

Discussion ensued about whether the Board would take jurisdiction in the case of the proposed LLA. The applicant did not desire it, and the Board was unanimous in its opinion the proposal was incomplete, not least by virtue of the first LLA for 11 Greystone Road having yet to be finalized and recorded. The applicant requested the Board continue the public hearing until the November regular meeting.

MOTION: Mr. Fillio **MOVED** the Planning Board continue the hearing for a proposed lot line adjustment of Mr. Glenn J. Tebo involving MBLs 6-2-17 & 6-2-10, and Kingston properties R37-18-3, R37-18-2B & R6-2-10 (PB#03-11) to the November regular meeting at 8:00PM. Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Board adjourn. Mr. Filio seconded, Mr. Smith thirded, and the motion carried unanimously at 10:30PM.

Respectfully submitted,

James Roby Day
Minutes approved *6 November 2003*