

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MINUTES
October 17, 1996

FILE

AGENDA

- 7:45 Veda Paoletta - Discussion - Temporary Mobile Home Housing
8:00 RJ Pica/Larry Dolan - Continued Public Hearing- 118 S. Rd. Subdivision
8:30 Commercial District Zoning - Public Discussion - Citizen input/proposals

Planning Board Members Attending: Richard A. Smith Sr. - Chairman, Catherine George, J. Roby Day - Ex-officio, Dr. Robert Marston, Alternates Robert Nigrello and Madeline Marshall.

Absent Members: Ed Johnson and Alternate Beverly Fillio.

Others Attending: Glenn Clark - Building Inspector, Lawrence Smith - Conservation Commission Chairman, Sarah Campbell - RPC Circuit Rider, Veda Paoletta, Dan Linehan, Ron Pica, Larry Dolan, Marcy Boucher, Jim and Carol Nupp, Gary Hinz, Nat Rowell, Melissa Fay, Peter Riley, Donna Davis, Richard Cook, Lucienne Jacques, Larry and Kevin Bean, Dan Bodwell, Bruce Allen and Becky Hanna - RCN Correspondent.

Chairman Smith opened this October 17th public planning board meeting at 7:30 with the roll call. He then designated Alternate Robert Nigrello to vote in the absence of Ed Johnson.

Incoming Correspondence: Chairman Smith acknowledged the following correspondence:

1. Natural Resource Lecture Series - Rockingham County Conservation District
2. 1997 Edition Land Use Books - Rockingham Planning Commission

Chairman Smith directed the recording secretary to order copies of the 1997 edition of the NH Planning and Land Use Regulations books for the planning board.

September 19, 1996 Planning Board Minutes

MOTION: Mrs. George motioned to accept the September 19, 1996 planning board minutes as prepared. Mr. Day second. The motion passed unanimously. (5-0)

September 12, 1996 Planning Board Work Session Minutes

MOTION: Mrs. George motioned to accept the September 12, 1996 planning board work session minutes as prepared. Mr. Nigrello second. The motion passed unanimously. (5-0)

August 15, 1996 Planning Board Minutes

MOTION: Mr. Nigrello motioned to accept the August 15, 1996 planning board minutes as prepared. Mr. Day second. The motion passed unanimously. (5-0)

Veda Paoletta - Discussion - Temporary Mobile Home Housing: Chairman Smith opened the discussion for Veda Paoletta's request for temporary mobile home housing at 7:45 p.m.

Ms. Paoletta stated that because her residence of 30 Sanborn Road is being sold and her future home at 78 Powwow River Road has not yet been constructed, she is in need of temporary housing. She continued to say that it is her wish to install a temporary mobile home (manufactured house) at 78 Powwow River Road and remove it upon the completion of a newly built house. She then provided the board with a statement from her attorney, a copy of septic system approval, and a letter from the builders describing the proposed newly built home. (see attached) She stated that she is expected to vacate the Sanborn Road premises by mid November.

Mr. Dan Linehan stated that it was his impression that the town's concern was that the mobile home may not be removed once the new home was built. He continued to describe Ms. Paoletta's reputation as a trustworthy individual and that he can offer his assurance to Ms. Paoletta's character. He noted that she, like himself, is employed by the NH State Police Department.

Mr. Linehan further explained that Ms. Paoletta has contributed a large financial expense to the site. He stated that an access around the mobile home will be maintained for the purpose of its removal. The anticipated time frame for the completion of the new home is four months.

Chairman Smith stated that the Planning Board is not authorized to permit temporary housing. That authorization comes from the Building Inspector or the Board of Selectmen. He continued to explain that upon the denial of such request from either the Building Inspector or Board of Selectmen, Ms. Paoletta may seek relief by way of the Zoning Board of Adjustment.

At the inquiry of Mr. Linehan, Mr. Day stated that the East Kingston Zoning Ordinance is specific to allow only one house on a site. The number of building permits for a home construction is strictly limited to one (per site).

Mr. Day further expounded that the ZBA has the authority to consider the factors for this request. He stated that the ZBA should be informed of the planning board's concern that the mobile home be removed at the time of the completed construction of the new house. He added that the Building Inspection should not issue an occupancy permit for the new construction until the mobile home is removed and that a surety/guarantee bond should be considered to assure its removal.

The recording secretary informed Mr. Linehan and Ms. Paoletta of the ZBA's schedule and stated that she would provide further information as well as contact the ZBA chairman for consideration of an earlier meeting.

RJ Pica/Larry Dolan - Continued Public Hearing - 118 South Road Subdivision: Chairman Smith opened the public hearing for Larry Dolan's proposal to subdivide 5.75 acres into 2 parcels located at 118 South Road, MBL# 13-1-2 at 8:04 p.m.

Ronald J. Pica, representing Larry Dolan, stated that he had previously discussed with the board the possibility of creating a third lot with this parcel. He continued to say that this possibility will not be proposed at any time by reason of the opposing views from the abutters.

Mr. Pica then reviewed the revised plans with board. He noted the following modifications that were requested by the board at the September 19th meeting.

1. Notation on engineers plans regarding the preservation of the stone wall and the larger, healthier trees.

It was noted that this notation was not on the mylar as previously requested. The board requested that these notations be recorded at the registry of deeds, thus be indicated on the mylar.

Mr. Pica stated he would do so and that he also wanted to clarify that "some reasonable tree removal is acceptable". No clear-cutting will be allowed.

2. Concrete markers

Mr. Pica stated on the advisement of his land surveyor, since the corner boundaries are already recorded (via other deeds), no new concrete markers are necessary. He noted that only 3 new bounds have been created.

3. 4000 K area/well modification

Mr. Pica noted that he moved the 4000 K area away from the well locations.

4. State subdivision approval

Mr. Pica stated that state subdivision approval was issued on Tuesday, thus not yet received by the planning board. He noted the approval number as SA1996000385.

Chairman Smith then requested Mr. Lawrence Smith, Conservation Commission Chairman to report his findings concerning this proposal.

Mr. Smith stated that he inspected the parcel and noted the condition of the back two pins . One pin/marker was describe as a bolt stuck in an iron pipe with a nearby tree marked. It was the opinion of Mr. Smith that this marker is not secure. He suggested that the marker be replaced or that a larger diameter pipe be encompassed around this pin.

Mr. Smith further explained that the second rear boundary marker was rusted, broken and sinking in the wetlands. He suggested a reference (witness) pin be installed.

Mr. Pica stated that any disturbance to these markers may create confusion to other deeds using these same markers.

Further discussion resulted in Mr. Pica's submission of these recommendations. Mr. Pica stated that he will try the pipe method with a drawing on the mylar to indicate this modification.

Mr. Smith noted that the back dimensions of the engineering plat were erroneously reversed. He also noted that an abutter notation (Finch/Topping) should be moved to correctly reflect its proper location.

Mr. Pica responded that he would make the necessary corrections. He further requested that since these modifications required by the board are considered minor office changes, would the board consider a conditional approval for this subdivision. Those conditions being the mylar corrections and the receipt of the state subdivision approval document.

Mr. Edwin Crosby stated that the board has addressed all of his concerns [as an abutter].

Mrs. Campbell read aloud a letter submitted by Davis Finch. (see attached).

MOTION: Mr. Roby Day motioned to approve the application for subdivision of 5.75 acres into two parcels, located at 118 South Road, MBL# 13-1-2 conditional to the following:

1. Correction of backlot dimensions on mylar
2. Back pins repaired or referenced (witness pins)
3. Repositioning of abutter on mylar (Finch/Topping)
4. Notations of stone wall and tree preservation on mylar.

Mrs. Catherine George second. The motion passed unanimously. (5-0)

Commercial District Zoning - Public Discussion - Citizen Input/Proposals: Chairman Smith opened the discussion of Commercial District Zoning at 8:34 p.m. He explained that the purpose of this discussion was to get the views and ideas of commercial zoning from East Kingston residents. He then asked that each East Kingston resident present, share his/her ideas with the board.

Mr. Richard Cook shared that as a small business owner, he feels the town needs some type of light industry. He listed several businesses in town and stated that commercial businesses add variety, tax base, and improves property values. He would like to see more commercial zoning in town.

Mr. Bruce Allen stated that there is already enough commercial zoning in town. He considers East Kingston to be a pretty area and opposes any future commercial zoning.

Mr. Nathaniel Rowell noted that the town has already established an area for light industrial/commercial zoning. He further stated that that area should be developed. He questioned if any serious research has been conducted that would provide actual figures of tax revenues for more commercial zoning. He suggested that a committee be formed to solicit the use of the already established industrial/commercial area.

Mr. Peter Riley shared that property owners with open space should receive some sort of incentive for keeping it open. He stated that the town should use the existing commercial space before zoning more.

Mr. Gary Hinz stated that he too, feels that open space should be promoted. He inquired why the town needs commercial areas. New parameters must be set prior to commercial zoning to prevent strip malls and Route 125's. He gave examples of more acceptable areas of zoning commercial: land behind Town Hall and 107/108 junctions.

Mr. Hinz went on to say that the acreage on Haverhill Road that is already zoned light industrial/commercial should be promoted. He noted that the town of Kingston was holding a public meeting to discuss businesses. He suggested that the East Kingston Planning Board attend to gain more knowledge of commercial zoning.

Mr. Jim Nupp alleged that points previously raised regarding home occupations and their defining line into commercial use was a factor in the reasoning for commercial zoning. He stated that enforcement will always be a problem in a small town. The fact the commercial/light industrial land is not being utilized plays a great part in the home occupations of the town.

He continued to say that UNH has a program that will evaluate open space/ its costs/ its advantages and whether open space should be encouraged over adding commercial zones. Residential uses cost the town \$1.14 of tax dollars, commercial/industrial costs .43 and open space costs .42. The town may want to take advantage of this service.

Mrs. Carol Nupp stated that adding a new commercial district will not attract more businesses than the town already has. She added that East Kingston is a small rural town with part-time fire, police and rescue departments. Other towns offer more attractive sites. She stated that she, too would like to see a study or promotion of the 93 acres on Haverhill Road.

Ms. Donna Davis inquired if zoning more commercial areas would make a difference. She concluded that she is willing to pay higher taxes to keep this town rural.

Mrs. Lucienne Jacques shared that she has misgivings about allowing commercial zoning in town because of chemicals. Toxic chemicals can travel up to 15 miles. She would like to see a study to determine impact of commercial zoning, its costs and its advantages and disadvantages. Get the facts and then decide if commercial zoning is necessary.

Mr. Lawrence Smith informed the board of two groups in the state who could assist the board in collecting information for a study. The Rockingham County Economic Development Council and the Rural Development Council, both out of the Office of State Planning.

Mr. Dan Bodwell stated that although he understands why residents do not want more commercial zoning, the only option for large property owners who cannot afford to keep their land, is to subdivide and create more residential homes. Increasing residential homes will cost the town more: i.e. schools, roads, protection.

Mr. Larry Bean stated that a few years ago, the planning board considered connecting the commercial district at the 107-A intersection to the commercial district by Harvey's Garage. He continued to say that he would be in favor of such a plan. Zoning commercial brings more options to the property owner.

Chairman Smith stated that for the purpose of informing the public [on the status of the 93 acre ~~commercial~~^{residential}/industrial area on Haverhill Road], that the 93 acres include a gravel pit owned by a non-resident and lumber mill. The only land available is about 30 to 35 acres located under the power lines. This commercial district is not an attractive site for promoting further business/industry. He further noted that commercial land is much less costly to the town than residential.

Mrs. Marshall added that the schools have impacted the higher tax rate for this town.

At this time Chairman Smith thanked the residents for sharing their ideas and inputs with the board.

The board discussed implementing a study as requested by the residents. Mr. Nigrello would research his sources with prior city planning to promote the existing commercial land available. The board agreed that keeping farmers and agricultural businesses was a priority. Further discussion would be tabled until the next work session.

NYNEX: It was noted that the door for the NYNEX service station at 29 Giles Road had not been repaired. Dr. Marston did note that the building's trim had been painted. The mylar for the 58 digital/fiber optic switching station would not be signed until the the 29 Giles Road door is repaired.

Planning Board Work Session: The next planning board work session is scheduled for Thursday, November 7th, 1996 at 7:00 p.m. at the Town Offices. The agenda will include continued commercial district discussion and the Master Plan. The secretary will duly post this agenda.

Proposed 1997 Zoning Ordinance Amendments: Mrs. Campbell provided copies of the proposed 1997 zoning ordinance amendments (see attached) and noted the following:

1. Section 1: previously reviewed and accepted by the board.
2. Section 2: Para 2 to read: Businesses whose owners can demonstrate that they do not create any traffic, visual, or other impacts on the neighborhood (above and beyond those impacts resulting from the residential use of the property) *may be exempted by the selectmen.*

These amendments would be placed on the November 21st agenda to discuss posting for the purposes of placing them on the March ballot.

Existing Land Use Chapter: The public hearing for this chapter to be adopted would be postponed until the completion of the Community Services and Facilities Chapter.

MOTION: Dr. Marston motioned to adjourn. Mr. Nigrello second. The vote passed unanimously and this October 17th, 1996 public planning board meeting ended at 9:44 p.m.

Respectfully submitted,

Catherine Belcher
Secretary

Minutes completed: October 19, 1996