

East Kingston, NH
Planning Board Minutes

Date of Meeting: October 17, 2002
Place of Meeting: Town Hall
Time of Meeting: 7:00 p.m.
Type of Meeting: Regular Meeting

Present: Richard Smith, Chairman; Beverly Filio, Vice Chairman; Jack Filio, Ex-Officio; Dr. Robert Marston; David Morse and Catherine Belcher, Alternate.

Others Present: Maura Carriel, RPC
Kent Shepherd, Building Inspector
Larry Smith, Conservation Commission

Call To Order and Roll Call:

Mr. Smith opened the meeting at 7:05 p.m. Mrs. Rice conducted the roll call.

In-Coming Correspondence:

1. Letter of Resignation from David Morse. Mr. Morse wished the Board and Town of East Kingston well.
2. Fall Planning Conference material from the Office of State Planning.
3. RPC News.
4. NHOSP Monthly Newsletter.
5. RPC Monthly Newsletter.
6. Letter from Lavelle Associates regarding Brentwood Commons, LLC-request to continue public hearing.
7. Letter from John Daly regarding proposed Zoning Ordinance changes.
8. Letter from the Town of Fremont, NH regarding a proposed cell tower site located on the LeClair property, Main Street. Site visit is scheduled for October 23, 2002 at 5:30 with a public hearing scheduled for 8:30 p.m. on the same date.

Continued Public Hearing for Brentwood Commons, LLC/Jim and Mary Mower for a proposed consolidation and three lot subdivision located at 91 Willow Road further identified by East Kingston Tax Map 7-1-7 and 8-1-16

The board received a letter from Lavelle Associates asking for a continuance until the next available meeting.

Dr. Marston made a motion to continue the public hearing until December 19, 2002 at 7:15 p.m.

Board Business

- Mr. Day needs to provide the written documentation for the Impact Fee Methodology for a public hearing in December.
- The board reviewed the three applications for public hearings to be scheduled for November. They include Cook & Sullivan, Conti & Donald, and Masone.

- Verification of notification to surrounding Towns regarding cell tower locations needs to be done. Ms. Carriel stated she would provide the information to Mrs. Rice.
- Ms. Fillio will contact Attorney Daly regarding the lot line adjustment to the Church. She noted that the deed has not been presented to the Church.
- The Town of East Kingston has received a letter of credit for \$400,000 for Maplevale Woods and Maplevale Farms. A deed is currently being held until proper surety is received for the Residences of Maplevale.

Acceptance of Minutes for September 19, 2002

Ms. Fillio made a motion to accept the minutes of September 19, 2002 as presented.

Dr. Marston seconded. The motion passed unanimously.

Acceptance of Minutes for September 26, 2002

Dr. Marston made a motion to accept the minutes of September 26, 2002 as presented.

Ms. Fillio seconded. The motion passed unanimously.

Subdivision Regulation Proposed Changes

Ms. Carriel presented the board with a proposed Lot Line Adjustment application form and checklist. The board members reviewed the documents.

Mr. Morse made a motion to hold a public hearing on November 21, 2002 to amend Section XIV-Procedure for Obtaining Approval for Subdivision, D. Submission Requirements-Lot Line Adjustment and Appendix F-Lot Line Adjustment Application Checklist.

Ms. Fillio seconded. The motion passed unanimously.

Ms. Carriel presented the board with proposed language for the Title, Purpose, General Requirements for the Subdivision of Land and Jurisdiction of the present Subdivision Regulations. Two choices were presented to the board members. After a review, the Board chose option #1.

Ms. Fillio made a motion to hold a public hearing on November 21, 2002 to amend Section II-Title, Section III-Purpose and Intent, Section IV-Jurisdiction and Section IV-General Requirements for the Subdivision of Land.

Mr. Fillio seconded. The motion passed unanimously.

Proposed Zoning Ordinance Changes

The board discussed the "back lot" provisions which allow for the creation of a back lot provided that 40 feet of frontage is provided and five acres of land.

Mr. Morse made a motion to hold a public hearing to amend Zoning Ordinance Article IX-Lot Area and Yard Requirements to require the existing lot of record to be five years or more in size and have contiguous frontage of 325', with the minimum frontage for the back lot to be 125' and with the width of the backlot not be less than 125' within 200' of the frontlot line. The driveway shall also be located within the 125' frontage area of the lot.

Ms. Fillio seconded. The motion passed unanimously.

Public Hearing for Proposed Zoning Ordinance Amendments. Changes are in bold and italicized as follows:

Mr. Smith opened the Public Hearing and noted the full text was published in the legal notice and the legal notice was posted at the Town Offices and Post Office.

Article XII.B.2

The total number of elderly housing units contained in any elderly housing development in the Town of East Kingston shall not exceed ten percent of the total **number of standard residential dwelling units** then existing in the Town of East Kingston. **(The number of existing elderly housing dwelling units shall not be included in calculating this ten percent.)**

Article XIII.D.3

The rate of growth in housing units in any given year shall not exceed 2.0% of the total **standard residential units (not including elderly housing units)** in town as of December 31st of the previous year. The Building Inspector shall issue permits for new dwelling units totaling no more than 2.0% of the total **number of standard residential units (not including elderly housing units)** existing in Town at the end of the previous calendar year.

Article XIII.D.5

For calculating the number of permits available for the first year (January-December 1998), total units in Town on the date of the newspaper publishing for the first legal notice of a public hearing on this ordinance will be used. (Published 12/18/97; there were 660 housing units in Town. 2% of 660 is 13 available permits.) In calculating 2.0% of the total **standard residential units** in town **(not including elderly housing units)**, all numbers shall be rounded to the nearest whole number.

The board reviewed the comments received by Attorney Daly on this matter. Mr. Daly suggested that the board define "Standard Residential Dwelling Unit" and to change the word "shall" to "may" in Article XIII.D.3 as the building inspector is not required to issue the maximum number of permits available. The board felt that by adding the date for the calendar year would be confusing.

Ms. Fillio made a motion to post the definition of a "Standard Residential Dwelling Unit" using the language as presented by Attorney Daly which reads "All residential dwelling units in the town excluding elderly housing dwelling units constructed under the Elderly Housing Section of the Zoning Ordinance".

Mr. Fillio seconded. The motion passed unanimously.

The board discussed the provisions of the ordinance and discussed for clarification purposes that the elderly housing units shall not be included in any standard residential calculations.

Mr. Smith asked for public input. None was received.

The board will hold a public hearing on the new definition as proposed. If this wording of the definition is approved as proposed, the board will take a vote to present the corrected language along with the original language (with the minor textual change) to the voters at the March, 2003 Town Meeting at this Public Hearing.

Discussion of Elderly Housing Ordinance

Mr. Smith asked that the board consider repealing the Elderly Housing Ordinance as it currently stands. He addressed the board with issues regarding density, the number of elderly housing units already approved within the community, water quality and safety issues, and sanitary issues.

Mr. Morse stated he felt that elderly housing was a positive for the Town.

The board discussed placing a cap on the number of elderly housing that can be built within the community and noted the Town of East Kingston has a cap on the number of elderly housing units allowed.

Mrs. Fillio made a motion to table this discussion until further research could be done.

Mr. Fillio seconded. The motion passed unanimously.

Growth Control Discussion

Ms. Belcher volunteered to contact the elementary school with regard to enrollment and space accommodations. The board will schedule the annual review for Growth Control for the November, 2002 meeting.

Other Business

- Planning Board Law Lecture Series that are currently held on Wednesday evenings will be discussing Impact Fee Ordinances, Impact Fee Methodology and Master Plan Updates.
- The board noted that building permits have been issued for Cricket Hill and clarified for The Building Inspector the number of permits that can be issued.
- The Board signed the Zoning Ordinance paperwork for the proposed amendment to Article XVII-Building Inspector and Permits that was held on July 18, 2002. This documentation will be forwarded to the Town Clerk to be included in the Town Warrant for 2003.
- Mr. Smith noted a letter from Carol Ogilvie regarding the date of reference for the Flood Plain Maps. The date currently reads February 28, 1975 and the correct date of the map that should be used is April 2, 1986.

Ms. Fillio made a motion to hold a Public Hearing on November 21, 2002 to amend Section VIII-Special Flood Hazard Areas "... maps of the Town of East Kingston, dated April 2, 1986,..."

Mr. Fillio seconded. The motion passed unanimously.

The Board adjourned at 8:55 p.m.

Respectfully Submitted,

Susan J. Rice, Secretary
East Kingston Planning Board

Minutes Completed: October 23, 2002
Minutes Accepted: _____