



**PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE**

20042005
*James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman*

MINUTES

(Regular Meeting and Public Hearing of October 21, 2004)

AGENDA:

- 7:00PM – **Call to Order and Board Business**
7:30PM – **Public Hearing** – Master Plan Housing chapter revision and update
7:45PM – **Compliance Public Hearing** – for a proposed elderly site plan of Glen J. Tebo, MBL 6-2-10, involving 4 duplex and 3 single units with a community center (PB#03-OH)
8:15PM – **Public Hearing** – Mr. Beattie/Wayne Ewald, 16 North Road subdivision, MBL 14-3-10 (PB#04-OD), in regard to an amendment to an approved subdivision plan (PB#03-09) for construction of a 35,000 gallon fire pond
8:45PM – **Discussion Only** – Mike Garrepy re: MBL 1-1-1 for a proposed elderly housing or subdivision on 107 acres immediately south of the East Kingston Post Office
9:15PM – **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

ROLL CALL: Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman RA Smith, Sr., Dr. RA Marston, DVM, Mr. R Morales, ex-officio
Alternate members present – Mr. EV Madej, Mr. J. Fillio,
Advisers present – Ms. Maura S. Carriel, Rockingham Planning Commission (RPC) Senior Planner; Mr. LK Smith, Chairman, East Kingston Conservation Chairman; Fire Captain Andrew Conti, East Kingston Fire Department

Designated Voting member – Mr. Day noted that this month Mr. Madej is the designated voting member.

BOARD BUSINESS:

Minutes–

MOTION: Mrs. Belcher **MOVED** that the Board accept the minutes of the September 9, 2004 work session with corrections. Mr. RS Smith seconded and the motion carried unanimously.

MOTION: Mr. RA Smith **MOVED** that the Board accept the minutes of the September 16, 2004 meeting with corrections. Dr. Marston seconded and the motion carried unanimously.

Correspondence –

Alan Garland, DOT -- Mr. Day stated that the Board received two letters from Alan Garland of the DOT regarding Paul Masone's driveway permit. Mr. Garland voided the permit after re-examination, and Mr. Day stated that he understands that Mr. Garland feels that because of the extent of the development, the driveway may need a longer decel lane. He added that Mr. Masone has submitted another driveway permit. This is the second piece of correspondence. Mr. Day stated that the Board is now waiting to get a permit granted from the State so the approval can move forward.

Zoning Notice Correction – Hearing calendar correction

Kingston – Mr. Day asked if anyone attended the Kingston meeting regarding the water company. He stated that he had not heard anything from Glenn Greenwood. Mr. LK Smith stated that he was told by Glenn Greenwood that the plan was so bad, that it was going to be rejected.

Ex-Officio – Mr. Day welcomed Mr. Morales as the new ex-officio. Mr. Day stated that the Selectmen will now have two alternates, Mr. Dworman and Mr. Donald. He stated that Mr. Donald is also the new building inspector. Mr. Day stated that Kory Skalecki is stepping down as building inspector.

OEP planning conference – Mr. Day stated that the deadline to sign up is October 22.

Community Conservation Roundtable – Mr. LK Smith stated that he would be going on October 28 at the Raymond High School. Mr. Day stated that it is about mitigation easements and realistic expectations from community investments and development right purchases. Mr. LK Smith stated that this is for anyone dealing with conservation easements.

Action/Information Items –

Postle and Mower suits update – Mr. Day noted the court's response to Mr. Postle's request for reconsideration and the Judge denied. In the other instance the first time around the court said that the Planning Board acted appropriately. Mr. Day stated that counsel stated that the Board has done its job well.

Site Plan Application from Mr. Baker – Mr. Day stated that Mr. Baker requested that the Board hear the application before the normally scheduled meeting. Mr. Day stated that the Rules of Procedure states that an application is accepted, it is examined for completeness and then at a meeting the Board decides whether or not the application is complete and take jurisdiction. He added that applications must be in 21 days before a hearing to be put on the Agenda. Mr. Day stated that the question is if the application is received substantially earlier than 21 days, is the Board doing the applicant a disservice by saying that the hearing will be in 45 days. Mrs. Belcher stated that she felt the obligation of making sure an application was complete would fall on Mr. Day's shoulders as the Chairman. Mr. Day read from the Rules of Procedure, "The applicant must submit the plan at least 21 days prior to the meeting and then upon receipt of a completed application for subdivision or site plan, the Board shall at least 10 days prior to the next regular meeting, notify the abutters... The Board shall begin formal consideration of an application within 30 days after submission of the completed application and at a public hearing shall determine whether the application is complete." Mrs. Belcher stated that she thought that "complete" meant that it was complete enough for holding a public hearing. She added that she didn't think the Planning Board was obligated to have a hearing within 30 days as the Zoning Board is required to do. Discussion ensued regarding if it refers to complete enough to take jurisdiction or complete enough to hold a hearing. Mr. Fillio stated that there is no expedited process. Mr. Day stated that the clock doesn't start running until the Board takes jurisdiction.

Carolyn Russell -- Mr. Day stated that Carolyn Russell called and asked how the Board was doing with NROC issues and the cluster housing development ordinance that she reviewed.

Discussion Only – Mike Garrepy – Mr. Day stated that Mr. Garrepy has asked that it be removed from the Agenda and be placed on the next meeting's Agenda.

PUBLIC HEARING – MASTER PLAN HOUSING CHAPTER REVISION AND UPDATE

Mr. Day opened the public hearing

Mr. Day asked Ms. Carriel to give a quick overview.

Ms. Carriel stated that the Planning Board decided to update the housing chapter about a year ago and this was done with Targeted Block Grant money that matched what the Town put in. She stated that essentially, the Town wanted to update this chapter because there is a lot of new information that is available from the census as well as because the Planning Commission was in the process of updating its regional housing needs assessment. She stated that this information that needs to be incorporated into the chapter was becoming available. She stated that what this chapter

does is creates a description of the current housing situation in the town, looks at housing stock, housing growth, demographic information such as income levels, housing values to get a good picture of the current situation and identifying any areas where the Town might want to focus efforts on, ie., the cost of housing, diversity of housing stock or the location of housing or elderly vs. family housing.

Ms. Carriel stated that the chapter starts with a description and a lot of data. She stated that they also incorporated the findings of the draft regional housing needs assessment. She said that there is general information in it about what the regional assessment found in terms of the total number of projected units that would be needed ten years out. She stated that the housing needs assessment did not attempt to assign those housing units to a town-by-town level, but what the chapter does incorporate is a series of charts that summarize different housing characteristics for the Town in terms of ownership vs. rental housing, income, housing price affordability and householders by age group to create an illustration of the Town's housing situation vs. the county or the region. She stated that following those inventories there is a review of the Town's current zoning ordinance and land use regulations. This section attempts to point out areas that the Town may want to modify because they are having some effect on housing or areas that may be modified in order to have an effect on housing.

She stated that this looks at zoning district allowed uses, specifically multi-family and accessory apartment, looking at density. There is a quick mention of the growth control ordinance impact fees and how those fit into the whole discussion about housing. She stated that the chapter ends with seven recommendations for the town and they are pretty varied that were the result of quite a bit of discussion by the Planning Board at previous meetings.

Mr. Carriel added that this chapter is not required by state statute, it is an optional chapter. She stated that the intent of this chapter is to discuss the items that the state statutes point out as needing to be included in a housing chapter if a town is going to address housing. She added that this does address the requirements found in RSA 674.2 regarding master planning.

Mr. Day stated that the Planning Board deliberated on at least two separate occasions on this chapter and the recommendations were collation of ideas from the Board and Ms. Carriel's presentation and what was already in the master plan. Mr. Day paraphrased the seven recommendations. He stated that the Board is trying to encourage finding a way to diversify the housing stock in town. Mr. Day stated that the Board thought about increasing the flexibility to do creative things in town such as conservation district overlays and open space districts and zones which would allow for larger and smaller parcels to replicate a more historic approach to how development unfolded and allowing for rural areas to be preserved more distinctly. He stated that he thought a zoning ordinance that addressed requiring subdivision proposals be conservation open space proposals as the first step might be useful. He added that there are one or two towns that already do that including Dover and Durham. He stated that the first application has got to be focused toward conserving open space. He added that he thought it was a good idea to go forward with the Conservation Commission's natural resource inventory and that could tie into how the Planning Board views applications. He stated that maybe the Board ought to consider an ordinance that would permit in-law apartments. He stated that the capital improvements program should also be updated.

Mr. Day opened the floor for comments and questions.

Mr. LK Smith stated that he had three editorial comments: 1) page 10, 3rd paragraph, 4th line, reference to census data collected, it should be 2000; 2) page 13 3rd paragraph under zoning districts, it should be 3 multi-unit buildings containing four units each; 3) page 16, 2nd line it says "an accessory apartment is a one apartment". It should be "an accessory apartment is an apartment".

Mr. Ron Morales stated that he had attended a lecture series in Newmarket regarding land use update, at which they were encouraging House Bill 701 in 2002 renewable energy systems. Mr. Morales asked Ms. Carriel if she thought that this was something that was supposed to be added to the housing chapter, specifically language to amended RSA 674.17 "to encourage the installation and use of solar, wind or other renewable energy systems and protect access to energy sources..." He stated that it was under the purposes of zoning ordinances and it impacts the zoning ordinance 674.17 as well as subdivision regulation 674.36. Ms. Carriel stated that it is not something that is addressed in the housing chapter. Mr. Day stated that maybe this is something that would be included in the subdivision regulation.

Mr. Day closed the public hearing.

MOTION: Mr. R. Morales **MOVED** to adopt the revisions of the Master Plan Housing Chapter as corrected. Dr. Marston seconded and the motion carried unanimously.

Mr. Day passed around the cover sheet for signatures.

COMPLIANCE PUBLIC HEARING— FOR A PROPOSED ELDERLY SITE PLAN OF GLENJ. TEBO, MBL6-2-10, INVOLVING 4 DUPLEX AND 3 SINGLE UNITS WITH A COMMUNITY CENTER (PB#03-OH)

Mr. Day opened the public hearing.

Mr. Day explained that Mr. Tebo's project was conditionally approved and one of the conditions was a compliance hearing. Mr. Ratigan appeared for the applicant, Mr. Glen J. Tebo.

The list of seventeen conditions:

1. Waivers granted by the Planning Board noted on a page to be recorded. This has been done on page 2, which will be a recorded page.
2. NH DES septic systems approvals. Mr. Tebo stated that the location for the septic approvals is just under the waivers.
3. EPA stormwater permit for disturbing acreage as necessary. This has not been done yet. Mr. Ratigan stated this Sharon Somers was before the Board for the September 27 hearing addressing this issue. He stated that there is no basis on which to have the Town require the permit be sought prior to the issuance of final approval and the signing of the mylar. He added that right now they don't know if it will be required based upon the disturbance that will happen. He stated that they understand that if there is disturbance, then they have to submit to the EPA. He stated that it is a form that is sent to the EPA and they sign it, it is not a big engineered analysis. He asked that this condition be waived, and they will agree to do it if it becomes necessary.
4. East Kingston Highway Agent written approval of roadway intersection with Greystone Road. Mr. Tebo stated that he got that this evening and gave it to the Chairman.
5. Town Engineer review of drainage easement, fire suppression cistern provision, and revised plan. Mr. Tebo stated that he didn't think the town engineer had any problem with the drainage easement or the fire suppression cistern and the revised plan are now up to the town engineer's specifications.
6. Fire Department approval of installed suppression system before any structure construction. Mr. Tebo stated that at this time they are in the middle of installing the cistern, the tank is in and piping has to be finished and the waterproofing on the exterior of the tank. He stated that when it is done, he will have the Fire Department come and inspect it.
7. Fire Department written approval of 16-foot wide roadway pavement. Mr. Tebo stated that he left a message at the fire department requesting a letter and he has had no response to this. He added that at prior meetings, the fire department had said they would approve this.
8. Planning Board review and approval of condominium documents. Mr. Ratigan stated that they are acceptable to John Daly, Town Counsel and Mr. Day stated that he has received feedback.
9. Final plan set to include a not on a sheet to be recorded indicating they are a part of "X" number of pages in the plan set on file with the Town. Mr. Tebo stated that it is on the plan indicating there are eight pages.
10. Final plan set stamped and signed by Engineer, LLS and CWS or CSS. Mr. Ratigan stated that these will be on the mylar.
11. Septic improvements to be added to Sheet 2 (a page to be recorded) of site plan. This has been done.
12. Typical roadway cross-section plan set page to depict a sloped curb to accommodate emergency vehicles. Mr. Tebo stated that this is on page 6 of 8.
13. Vesting of site plan to be effected upon completion of road and installation, and approval of, fire suppression cistern. Mr. Tebo stated that that will be done.
14. Bonding surety to cover road construction, drainage features and fire suppression system agreed to with the East Kingston Board of Selectmen. Mr. Tebo stated that he has submitted engineer's estimate to the Town Engineer three months prior and he has still not gotten a figure from him. Mr. Day stated that Jay Stevens had sent his latest comments stating that he has a major disagreement on bond figures that will not be

- resolved before the meeting. Mr. Tebo said that he also gave a copy of the contractor's estimate three weeks earlier. Mr. Day stated that this matter will fall onto the Selectmen.
15. Final mylars of two plan set pages 2 and 3 to be submitted to the Planning Board for chairman signature and recording. Mr. Tebo stated that these are not generated yet since he wanted to make sure the Board was happy with what is being presented now and he will get it to the chairman.
 16. All fees and charges due the Town in connection with the site plan, including, but not limited to, the review of the Town Counsel, Town Engineer, RPC Senior Planner, and Fire Department, as well as administrative costs incurred by the Town, be fully discharged. Mr. Tebo stated that he has been paying his bills on time.
 17. Compliance hearing to establish applicant has met all conditions for Planning Board final approval of site plan.

Mr. Day stated that much of this list of conditions is administrative in nature.

Mr. Fillio brought up the question of since this is a compliance hearing and they have not complied with everything, then they have to come back. Mr. Ratigan stated that they cannot control town staff so when something is submitted three months ago with no response, it is not in their control. He added that they do not have control over the fire department putting in writing that it would allow the 16-foot road even though they were given verbal approval.

Mr. Ratigan stated that he was not at the last hearing and if he had been, he would have argued against putting some of these conditions on the list. He stated that they understand that these things have to be completed prior to the signature on the plan.

Mr. Day stated that the reason there was a compliance hearing was because of the change from the fire pond to a cistern, which is at the heart of this. He asked that if the Board is comfortable allowing him to check-off the administrative points, then they can move forward. He stated that the only issue that really concerns him is the fire suppression issue.

Mr. R Smith stated that at previous meetings, the community center was supposed to be larger than it is on the plans. He added that it was supposed to have running water and toilets. Mr. Tebo stated that it was his belief that all that was to be added was the water and septic connection, but not to increase the size. He added that he looked at the size of other approved projects in East Kingston and compared community center sizes, and if you take the size in square footage area per unit, his project is larger than it has to be. Discussion ensued regarding the size of the community center. Mr. Tebo said he wanted to leave the size of the building to the owners' discretion when they decide what the community center will be used for.

Mr. R Smith stated that on the engineer's report, it shows that there would be granite curbs, but they are now bituminous and he believes that these require a lot of maintenance. Mr. Tebo stated that the original plan had bituminous curbs and the Town Engineer didn't have a problem with it at the time. He added that it was his engineer that made the mistake of putting down granite curbing.

Ms. Carriel stated that in regards to the EPA stormwater permit, when this went up for conditional approval, there was some discussion as to the appropriateness of requiring a permit. She stated that it is her belief that it is required to be posted 24 hours before the start of work. She added that the State has made it clear to the EPA that they are not going to be monitoring this type of permit, therefore it's not really anything that the Town is required to do.

Ms. Carriel stated that she spoke to Jay Stevens' assistant, who has been involved with this project, and with regard to their only outstanding comment that hasn't already been addressed by the Board is the issue of the stormwater review and the assistant said they had received revised plans this past week and they hadn't had a chance to review it. Ms. Carriel stated that it is her opinion that there is still not a clean approval from the Town Engineer, which number 5 requires. She said that if the Board is amenable to changing some of these conditions to give the Planning Board chairman the authority to check these items as they come in, that's fine.

Mr. LK Smith stated that he did not see any problem with the stormwater drainage report.

Mr. Day asked Mr. Conti where the Fire Department stands on the cistern installation and its acceptance. Mr. Conti stated that he believed the Chief had been by and upon completion, the approval letters will go out. He added that the roadway acceptance letter will be included in one letter.

Mr. Day opened the floor to abutters.

Ms. Jeanne Furfari, 13 Greystone Road, commented on the amount of trees that have been removed at the entrance since the time of the site walk. Mr. Tebo stated that he had waited to open that area for the detention pond so it is a lot wider than what was originally cut but this reflects what was originally approved. Ms. Furfari asked how much longer will the trucks be coming and going and Mr. Tebo stated that the cistern will take another 3 or 4 days to complete and back fill. He stated that it would probably be another three weeks. Ms. Furfari asked if there was any ordinance regarding noise or days of the week and hours of the day. Mr. Day stated that in 1976 the Selectmen took it upon themselves to write an ordinance that is unenforceable with regard to the curtailment of noise due to traffic. Mr. Furfari asked if work would be done on Saturday and Sunday and Mr. Tebo stated that it would be up to the contractors and the weather. Mr. Furfari asked Mr. Tebo to mention to the truckers to slow down.

Mr. Day closed the floor to abutters.

Mr. Day stated that he thinks the Board can move forward with this approval if the Board is willing to authorize him to tick items off as they are satisfied. He added that Mr. Tebo has done a credible job. He stated that there are some conditions that overlap. He stated that Mr. Tebo is going to have to work out the bonding question with the Selectmen and the Town Engineer should be satisfied with the fire suppression conditions before the Board can move forward. He added that the Fire Department's approval is forthcoming. He stated that Town Counsel has assured him that the condominium documents are written to his satisfaction; he also indicated the easement language for the cistern was adequate for the Board's purposes.

MOTION: Mrs. Belcher **MOVED** that the Board give final approval with the conditions outlined and grant the chairman the authority to confirm that those become complete before the mylar is signed. Mr. Morales seconded and the motion carried unanimously.

Mr. Day closed the hearing.

PUBLIC HEARING—MR. BEATTIE/WAYNE EWALD, 16 NORTH ROAD SUBDIVISION, MBL 14-3-10(EKPB#04-OD), IN REGARD TO AN AMENDMENT TO AN APPROVED SUBDIVISION PLAN (PB#03-09) FOR CONSTRUCTION OF A 35,000 GALLON FIRE POND

Mr. Day opened the public hearing.

Mr. Steve Bradstreet, Aquarion Engineering Services, appeared for the applicant, Mr. Brian Beattie. Mr. Bradstreet stated that they have a revised plan. He showed the original approved plan and pointed out where the fire cistern was supposed to be located. This plan is dated December 2003. He stated that what the applicant is now proposing is to provide in lieu of a cistern a fire pond located in the same location and still meeting the requirements of the fire chief, which is storage of 30,000 gallons of water allowing for two feet of area on the bottom of the pond where the suction valve is and allows for three feet of freeboard at the top to allow for ice build. He stated that this actually holds 35,000 gallons of water. He stated that there is no natural ground water recharge so it will rely on the surface water as well as the clay liner, which has virtually no permeability so once it is fill, it will stay charged. He added that it will be Mr. Beattie's responsibility to fill and maintain the pond.

Mr. Bradstreet stated that he had received Ms. Carriel's comments.

1. Names and addresses of owner of record in plan. Mr. Bradstreet state that has been done.
2. Title block including Map, Block and Lot numbers and municipality name. This is on the plans
3. Name and seal of Licensed Land Surveyor. Mr. Bradstreet stated that in speaking with Ms. Carriel she stated that she had not received the original survey, which is what she was looking for. He stated that is being resurveyed and resealed because a new easement will be required.

4. Surveyed boundaries of all proposed easements. Mr. Bradstreet stated that these are on the original plan.
5. Correct orientation of the north arrow. This has been done.
6. Locus plan

Mr. Bradstreet noted there is also a letter from Mr. Ewald allowing the construction of the pond on his property. Mr. Bradstreet showed the direction the water sheds in (northeast to southeast across the property) and stated that on Mr. Beattie's property adjacent to his driveway a shallow swale will be constructed that would intercept some of the water to be able to continuously recharge the pond. He stated that that will be included in the easement language per Ms. Carriel's instruction. He added that the new plan will contain easement language stating who has access to it, who maintains it and who keeps it full. He stated that Mr. Beattie will be responsible for maintaining the water level and this will be reflected on the plan in the easement language as well as on the deed.

Mr. Bradstreet stated that they have applied for a NHDOT driveway permit for the turnoff for the fire pond. He stated that he has received confirmation back from Alan Garland that it is complete and it is in the process of being reviewed. He stated that this plan also references the previous approved plan and the previous survey. Mr. Bradstreet stated that a comment they have received from the DOT is that the hydrant be a break-away flange which will be provided.

Ms. Carriel asked to have the owners of the lots clarified on the title block of the plan including Map, Block and Lot numbers. She stated that she is deferring to the fire department with regard to review of the fire pond and approach design. She noted that the Town Engineer also did a review and raised a couple of issues she wondered would be engineering issues.

Mr. Day referred to the Memo from Jay Stephens dated October 19, 2004. Mr. Day read from the memo, "The high water elevation has to include the 3' ice layer. This would mean the water level needs to be maintained at or about elevation of 140.00. Mr. Bradstreet stated that the 3' that is shown on the plan incorporates the 3' for ice conditions below that elevation there is 35,000 gallons of water available. It was noted that Mr. Stephens was referring to the revised plan of 9/24/04.

Mrs. Belcher asked Mr. Day to please give a brief synopsis of the history of this project. Mr. Day stated that originally Mr. Ewald came before the Board to subdivide two lots out of the big parcel. He added that one of the conditions was the requirement for fire suppression there was no water close enough. The original decision was to put a cistern on the northerly lot because the frontage was greater; the southerly lot is a back lot. He added that the fire suppression for both lots was never satisfied. Mr. Fillio stated that originally they thought they could draw water from the pond on the other side.

Mrs. Belcher asked how it can be enforced that Mr. Beattie keep the water at a certain level. Mr. Conti stated that the fire department has the right to test to make sure it is working properly and if it is not, the Town has no liability. Mr. Bradstreet stated that it would be filled by one of the tanker trucks filled with water to fill pools. He stated that this will be Mr. Beattie's responsibility. Discussion ensued regarding the responsibility of maintaining the pond as well as liability if it is not maintained properly and the fact that two properties are involved here. Mr. Day noted that Mr. Beattie and Mr. Ewald have come up with this solution for their properties. Mr. Fillio asked if there could be a bond whereby if it is not maintained, the Town can use that money to fill it. Mr. Day stated that this may be a question for Town Counsel because this is having one property owner maintain something on another property owner's property.

Mr. Day asked the Board if they felt this plan was sufficiently complete to take jurisdiction. He contended that it is. He added that Town Counsel will be consulted.

MOTION: Mr. RA Smith **MOVED** that the Board take jurisdiction. Mr. Morales seconded and the motion carried unanimously.

Mr. Day stated that there is 65 days to reach a decision and if the Board does not, the applicant can request an extension.

Mr. Day opened the floor to abutters, of which there were none. He then closed the floor to abutters.

Mr. Bradstreet asked if he can speak directly to the Town Engineer, to which Mr. Day stated that it is encouraged in order to speed things up. He added that they will submit a land surveyors plan with easements shown.

Ms. Carriel stated that one of the easements she proposed in her memo for accessing, inspecting and/or maintaining would benefit the town for the fire department to have access. Mr. Morales stated that there should be some language that would make sure that someone is maintaining the water level.

Mr. Day told Mr. Bradstreet that Counsel will need a large full set of plans. Mr. Fillio stated that the fire pond has crushed stone, and he asked if the Town requires paved. Mr. Day stated that bituminous concrete is what is required now. Mr. Day stated that the hearing will be continued.

MOTION: Mrs. Belcher **MOVED** that the Board continue the public hearing to November 18 at 7:45PM. Dr. Marston seconded and the motion carried unanimously.

Mr. Day closed the hearing.

More Board Business

CIP

Mr. Day stated that he sat down with all the department heads individually to get information for Tables 9 and 10. He added that Table 11 is where a decision has to be made as to what to recommend to the Board of Selectmen. He stated that this is a planning tool for them. Discussion ensued regarding the tax rate. Mr. Day stated that in the past the CIP was taken to public hearing and there is no statutory requirement to do that, this is an administrative action. He stated that the Board is advising the Board of Selectmen predicated on input from all the department heads. He added that if this is approved tonight, it goes to the Selectmen so they can start their budgeting process.

Mr. Morales asked about the \$300,000 allocation for land acquisition for the police department. He stated that it was his understanding that there was some kind of donation from Richard Cook involved. Mr. Day stated that he was told they needed about three acres. Mr. Day stated that there is no concrete donation and if you ask the engineer, the land has not even been identified. Mr. Morales stated that he has walked the land where the police department is supposed to go. Mr. Day stated that if the land donation falls through, money will have to be there to buy it.

Mr. Morales asked where the figure of \$2 million came up for the library as he is on the committee. Mr. Day stated that the library trustees came up with \$1.2 million. Mr. Day suggested a library capital reserve fund to cover the cost of equipment and fixtures. He added that there are already in place a library expansion fund (\$36,000) and a library fund which is independent of the town for the trustees to take money out whenever they see fit, which is about \$9,000.

Mr. Day went over Table 11: He stated that the fire department's requests, and his instruction to the fire department is to start a capital reserve fund. He said that one of the priorities is to replace the fire cistern and he suggested that this is not going to be the last thing to fail and they should put away money for the future.

Mr. Day went on to the highway department and in 2005 Willow Road is to be done. He stated that for years he has heard from the road agent that a salt/sand shed is going to be needed. He added that this would include land and structure and there are no provisions to anticipate that need. Mr. Day suggested they get a capital reserve fund.

Mr. Day stated that as far as the cemetery trustees, he was assured by Vito that if they had to they could develop the parsonage land which would cost about \$30,000 and they only have \$29,000 in cash. Mrs. Belcher noted the \$90,000 in the trust fund. Mr. Day stated that that \$90,000 earns income to pay for grave restoration, etc.

Mr. Day went on to the Conservation Commission. Mr. LK Smith stated that an aerial photograph is needed to get an accurate map of the town. This would cost \$30,000. Discussion ensued regarding the need for an aerial photo. It was suggested to wait a few years so the development in the works will be complete and the photograph will include these new developments. Mr. Day suggested that given what the town is faced with in terms of development, recommend to the Selectmen \$10,000 for a capital reserve fund and that would give three years to get to the \$30,000.

Mr. Day stated that as far as the library is concerned, the Board should recommend to the Selectmen that a new library is needed. He added that the Board should tell the Selectmen what the library trustees are asking for and it is not the Board's job to do the Selectmen's budgeting.

Mr. Day went on to the Town Clerk's request for \$150,000 for records preservation. Mr. Morales stated that he was very surprised at the amount and he felt the people would never vote for that.

The next item is the Historical Committee that wants to restore the railroad depot. Mr. Day stated that they have half the money (\$64,000) needed to restore the depot. He stated that the estimate was \$120,000. Mr. Day suggested a capital reserve fund to raise the money.

The next item is the recreation committee, Foss-Wasson Field improvements. Mr. Day stated that the committee has no plans presently formulated, therefore \$0 was given for budgetary recommendations.

As far as the elementary school and coop, Mr. Day stated that those monies are already committed except for the elementary school building drainage project. He explained that there is water underneath the gym and the estimate Mr. Richard Poelaert received is \$500,000. Mr. Morales said that that money is in a capital reserve fund. Mr. Day stated that the money in the capital reserve fund is for school expansion. Mr. Day added that Mr. Richard Poelaert is also looking at the possible need to build a second floor addition in 2009, but the most pressing need is the drainage.

Zoning Ordinance for November and beyond

Ms. Carriel stated that FEMA is coming out with new digitized maps. They have set a date of May 17, 2005. She stated that communities that have flood plain ordinances to amend their ordinance to reference the new revised state of those maps. She added that East Kingston doesn't follow the model language. She stated that the current language references the farm maps, but not the flood insurance rate study. She noted that they added the date "as amended" for every time FEMA updates the maps. She stated that this is basically to keep the town in compliance with FEMA's requirements and insure that residents can still purchase flood insurance. Mr. Day suggested putting this on the November Agenda.

MOTION: Mr. Morales **MOVED** the Board place the FEMA question on the November 18 Agenda at 7:30PM for a public hearing for zoning ordinance change. Dr. Marston seconded, and the motion carried unanimously.

Mr. Day stated that the Growth Control and Elderly Housing Ordinance Annual Review is due in November. Mr. Day stated that he and Ms. Carriel will get together to work on this issue.

ADJOURNMENT:

MOTION: Mr. Morales **MOVED** the Board adjourn. Dr. Marston seconded, and the motion carried unanimously at 10:05PM.

u tted,

Recording Secretary

approved 11/8/04

October 21, 2004 East Kingston PB minutes