



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

*2005-2006  
James Roby Day, Jr., Chairman  
Richard A. Smith, Sr., Vice Chairman*

**MINUTES**

(Regular Meeting and Public Hearing of November 17, 2005)

**AGENDA:**

- 7:00PM – **Call to Order and Board Business**
- 7:30PM – **Public Hearing** – for Glenn and Kathleen Clark, 21 Burnt Swamp Road (MBL 10-4-8) involving a proposed 12-lot subdivision (PB# 05-07)
- 8:15M – **Continued Public Hearing** – for Glenn and Kathleen Clark, 21 Burnt Swamp Road (MBL 10-4-8) involving a lot line adjustment (PB #05-08)
- 8:30PM – **Public Hearing** – for the annual review of Zoning Ordinance Article XIII GROWTH CONTROL to determine the need for it.
- 8:45PM – **Adjournment**

**CALL TO ORDER AND BOARD BUSINESS**

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

**ROLL CALL:** Mrs. Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman RA Smith; Mr. R Morales, ex-officio  
Alternate member present – None  
Advisers present – Dr. Jill Robinson, Rockingham Planning Commission Senior Planner (RPC); Fire Captain A Conti, East Kingston Fire Department, Mr. RR Donald, East Kingston Building Inspector, Mr. LK Smith, Conservation Commission

**BOARD BUSINESS:**

**Minutes–**

The Minutes from the October 20, 2005 regular meeting and the November 10, 2005 work session were handed out and will be accepted at the next meeting, which will be a work session on December 8, 2005.

**Action/Info Items–**

**CIP update review and Board administrative decision** – Mr. Day presented an overview of what has transpired. He stated that he has sorted out with the Coop their Growth & Capital projects in some detail, getting some numbers from them so that he could calculate East Kingston's tax impact share. He referred to Table 10 where there is a break-out for the middle and high schools, which listed the East Kingston numbers, noting the new consolidated middle school's \$1.9 million is East Kingston's portion of the original amount which was \$15.3 million. The new high school \$4.8 million is East Kingston's share of the original amount. The Town voted to spend \$49 million and ended up having to bond \$46, million and the \$4.8 is East Kingston's share with the bond price applied. Those numbers are reflected on Table 11.

Mr. Day stated that he tried to get in touch with the Historical and Recreation Committees to no avail. He noted Table 11 where those lines are blank. In regard to the middle school addition, the total for what they are planning to do is \$123,420. The numbers are place holders moved to 2007, 2008 and 2009. The Coop has the land and the

plans, and it is not just a matter of deciding when to spend the money. Mr. Day stated that the Growth Control RSA spells out a requirement to have a current CIP and a Master Plan, which is another argument for a CIP, for Growth Control hinges on it. He stated that what the Board needs to do administratively is to agree on what is going to be given to the Selectmen as the updated CIP for their budgeting purposes.

Mr. R Smith stated Mr. Day did a noble job and Mrs. Belcher agreed.

Mr. Day stated the textual body of the current CIP was written in 2002 for years 2002-2007. The Board has been updating it year to year with some textual update last year and not much has changed in the last year, but 2007 may be time to either budget for or seek a grant to have Dr. Robinson help update the CIP completely.

**MOTION:** Mrs. Belcher **MOVED** that the Board recommend the revised Table 9, 10 and 11 to the CIP dated 2006-2011. Mr. Morales seconded and the motion carried unanimously.

Mr. Day suggested for the December 8 work session working on the visioning process specifically with the intent of finding subject matter for possible ordinance creation or change, the fees and definitions. Mrs. Belcher suggested working on the affordable housing issue. Mr. Day stated that in order for builders to build affordable housing, there has to be some kind of incentive for them. It has to be a very attractive arrangement, for example, density or financial assistance from the municipality. Dr. Robinson added federal tax credit is also an incentive. She stated that two years ago, legislation was introduced to try to force towns to provide their fair share of affordable housing, and that failed. A recent court case said that towns had an obligation to provide their share of affordable housing. With no legislation, the question remains open.

Mr. Morales stated that the argument he's seen for affordable housing, particularly in Exeter, is people being able to walk to their jobs who cannot afford transportation. Dr. Robinson stated she feels more people in the work force, especially young people just starting out, cannot afford to live in this region. These are important workers in the economy, and if no housing is provided, then the community will suffer.

Mr. Day made the distinction that the Town doesn't have to provide the affordable housing, but it does have to provide creative ways to make sure the opportunity is there. This includes creative zoning environments and incentives, which East Kingston might not be able to provide, especially not financial incentives.

Mr. Morales suggested zoning certain areas of the town allowing multiple family dwellings or create apartments in existing homes. He also noted that the town has provided the opportunity for in-law apartments as a way to deal with the question. Mr. Day stated a village concept may also be considered at some future time.

Mr. Day stated that Portsmouth has affordable housing in the form of what used to be the Pease Air Force base housing on Gosling Road.

Mr. Day stated the proposed agenda for December 15 is:

- Home occupation change recommendations
- Elderly Housing annual review
- Jim Mower might submit a plan revision for Taylor Way in regard to the cistern
- Mr. Turner on Haverhill Road might want to discuss a two-lot subdivision
- Discussion Only with Steven Davis on Giles Road
- Brian Beattie site plan

CONTINUED PUBLIC HEARING—FOR GLENN AND KATHLEEN CLARK, 21 BURNT SWAMP ROAD (MBL10-4-8) INVOLVING A PROPOSED 12-LOT SUBDIVISION (PB# 05-07)

Mr. Day opened the public hearing.

Mr. John Cronin, Cronin & Bisson, PC appeared before the Board representing the applicant, DeBross Builders and he congratulated the Board on winning the first round with respect to the steep slope issues. He has read the decision of the Superior Court and is preparing to appeal it to the Supreme Court. He recognizes that this decision is

a long way off. He stated that Mr. Ken Berry will address the engineering issues. He introduced Mr. Gove from Gove Environmental Services who will speak to the Board. Mr. Gove was the co-author of the soil studies for Rockingham County, which was one of the tenets relied upon in the Master Plan, he believed. He submitted for the record a report from Mr. Fougere, Fougere Planning & Development, Inc., an independent planner whom he asked to take a look at the plans to voice his opinions regarding planning practices and using Master Plan incorporation in zoning ordinance to restrict property rights. He recognizes that the Court has acted upon this. He stated he is not optimistic that the Board would change its position at this meeting, but it is his job to make sure the record is complete.

Mr. Ken Berry, Beal Associates, appeared before the Board for the applicant and thanked the Board for the prompt submittal of the minutes from the last meeting. Mr. Day cautioned that the minutes Mr. Berry received were not approved minutes, which will be approved at the next meeting on December 8. Final approved copies will be sent to Mr. Berry. Mr. Day added that they will not be substantively different.

Mr. Day stated that at the last meeting, the Board charged Mr. Berry with asking his client whether or not he would reconsider the plan, the Board having recognized that the revised plan was marginally better than the first plan. It still does not answer the underlying question of development of slopes of 15% or greater. This question was put to Mr. Berry to ascertain from his client as to his intentions.

Mr. Ken Berry stated his instructions were to complete the engineering review that Civil Consultants had reviewed to answer their questions. He stated that at the last meeting, he had turned in some partial plan sets that were ongoing. His client asked him to clear up everything with the fire department as far as fire protection was concerned. In the interim, he has submitted revised plans to the Planning Board and Town Engineer and Dr. Robinson. He has spoken with Dr. Robinson in the interim regarding the nature of these plans acknowledging that the nature and substance of the subdivision was not changed at the specific direction of his client.

Mr. Berry stated that with regard to the cluster configuration, it has been their intent all along to propose a development on this piece of property in areas that were most appropriate for development. He added that he thought that was one of the intents of the cluster subdivision ordinance and that development area as provided on each one of the lots falls into the criteria of what the Board would consider to be less than 15%, with the exception of Lot #3 where there is area that is going to be reclaimed and regarded. The actual building area on the resulting portion of the Lot was going to be on slopes of less than 15%. Another thing he pointed out was the plans have included a number of best management practices. There is a sediment and erosion control plan that has been an integral part of the plan set that has been reviewed by the Town Engineer and other experts. He stated that Jay Stephens, Civil Consultants listed a few items that were still outstanding and raised the issue of acceleration and deceleration lanes for the westerly entrance. Mr. Berry stated that they agreed with all of Mr. Stephens' comments. He added that the acceleration and deceleration lane issue could ultimately be resolved by the Department of Transportation when they issue their permit.

Mr. Cronin introduced Mr. Jim Gove, Gove Environmental Services to the Board. Mr. Gove submitted a report and stated that he reviewed the plan set prepared by Beals Associates. He had also visited the site and did some research, which is in the report submitted. He stated that the issue he was asked to address was whether or not one could build on 15% or greater slopes without harm to public health, safety or welfare. The reason he used that term is because that is the term that is utilized within the Master Plan as consideration as to why one should not be encouraging developments on slopes greater than 15%. He asked Mr. Berry to prepare visuals as to what grades of 10%, 15% and 25% actually look like, which he presented. He also showed a 3-D visual of the grades. Dr. Robinson asked for the scale of the drawings, to which Mr. Gove replied that it is 1:1. He added that there has been no attempt to alter the scales so they look funny.

Mr. Gove stated that the issue is whether or not one can actually build safely on slopes of greater than 15%. At the time he was working for the Soil Conservation Service as one of the soil scientists mapping Rockingham County, and ultimately becoming one of the co-authors, he recognized that there was concern at that time of building on the slopes greater than 15%. They were called "moderately steep", which was from 15-25% and "steep" was anything greater than 25%. The issue at that time was building construction practices, earth moving practices, grading practices were such that there was terrible erosion and sediment control. The methodologies that were being utilized to stabilize were nothing more than a single silt fence placed at the bottom of a slope. In the ten years that he has

seen changes occur, especially from 1995 to the present, tremendous strides have taken place in terms of sediment and erosion control and stormwater management. He added that given proper sediment erosion control, proper long term stormwater management there is no reason why buildings could not safely be built on slopes at 25% and even above. Today there are much better techniques that allow stabilization of slopes and allow safe building without having the same difficulties back 10, 15, 20 years ago when there was uncontrolled erosion, sedimentation into wetlands and degradation of the environment. In fact, the EPA has just recently set a new initiative where essentially anything over ½ acre disturbance requires a notice of intent and a stormwater pollution prevention plan be put in place. He added that there is clear documentation even with the NRCS as of today who recognize that there are management techniques that allow safe building on slopes.

Mr. Cronin asked Mr. Gove what he was doing 10 years ago (1995), to which Mr. Gove stated he had left the Soil Conservation Service in 1987 after completing writing the soil mapping that ultimately became public in 1994 (Rockingham County Soil Survey) and he was working as a consultant in his own business in 1995

Mr. Cronin asked Mr. Gove if he would agree that since the Master Plan was done in 1995, those improvements that he testified about have really changed the way developments occurred on slopes. Mr. Gove answered that indeed, he has seen vast changes in just the last five year. He added that there is now a much greater awareness of the need for sediment erosion control and there is a complete certification process taking place with regard to specialists in sediment erosion control. He added that the New Hampshire Site Specific (NHSS) are rewriting their rules to include more erosion sediment control guidelines. He stated that tremendous strides have occurred in the management and control of stormwater in just the last five years. Mr. Cronin asked Mr. Gove if it is his opinion, based on his education, training and experience in this particular field, that residential homes as depicted on Beals Associates' plans can be constructed on slopes of 15-25% safely, to which Mr. Cronin stated he did. Mr. Cronin asked that the graphics used to show the slopes and Mr. Fougere's report be incorporated into the record. Mr. Cronin stated that Mr. Mark J. Fougere is the principle of Fougere Planning and Development. He is an independent planner and Mr. Cronin thought he used to be a circuit rider who does individual consulting.

Mr. Cronin stated that on a trip to the property in question, he and Mr. Gove passed a house on Route 108, which he stated looked to be a very nice cape style home. Mr. Cronin asked Mr. Gove to give his estimation of what the slopes of that property might be, to which Mr. Gove stated he thought the slopes were approaching over 25%, maybe closer to 30%. Mr. Cronin stated he thought it was important to point out that particular home in East Kingston, which looks like it has recently been built. Mr. Cronin stated the slopes of that property are in excess of the slopes in the Clark/DeBross property and submitted pictures of that property for the record. Mrs. Belcher asked what the address was and Mr. Gove stated he thought the mailbox had "87" on it. Mr. Day stated it was the old Christy property.

Mr. Cronin stated that, based on the testimony heard at the meeting, he would like the Board to act on the plan and make its decision and asked that in its decision, the Board state each of the reasons why it was denied. He stated that he asked for this in case there is an appeal on one side or the other and this case may ultimately be decided in another forum, he wanted the record to be complete so that it can be finally be resolved to everyone's benefit so that this doesn't have to be done again down the road.

Dr. Robinson stated that, with all due respect to Mr. Cronin, it surprises her that Mr. Cronin would ask the Board to make a decision after presenting them with a lengthy report by Mr. Gove. Mr. Cronin stated that was a fair comment and if the Board chooses to continue the hearing until they evaluate the new report, that's their prerogative. He didn't mean to suggest that it had to be decided tonight. He stated that he believes their presentation is complete enough so the Board can make a decision and he would entertain any questions from the Board.

Dr. Robinson commented to Mr. Gove that sometimes even the best techniques for erosion and sediment control can fail in a severe storm event. She thinks it would be important for the Board to know what the rate of failure is on some of the different techniques that he would be planning to use. Mr. Gove stated the report he presented at this meeting does go through in great detail exactly how these techniques have to be put in place, where they fail, why they fail and why, if they are properly installed, they won't fail. He added that if you are referring to a slope of greater than 15% or less than 15%, if the erosion sediment controls are not properly installed as both the

manufacturer and representative say, then it doesn't make any difference what slope you are building on. Unless it is flat, there will have issues with erosion and sediment control.

Dr. Robinson cautioned the Board to have its own expert review the study for help in understanding the findings.

Mr. Day stated he wanted to make sure the record is clear that the residence at 87 Haverhill Road is on a very steep slope. The house was built on a lot of record and the Planning Board has no jurisdiction where a landowner with a lot of record goes to the Building Inspector for a permit to build. Had they come before the Planning Board, the Board would have had a problem with it. He has spoken to the landowner, and to use that as an example of what goes on in East Kingston is demonstrably unfair to the Planning Board because they are not involved with it.

Mr. LK Smith, Conservation Commission, stated that he would want to read Mr. Gove's report before he had any comments on that. He added that his position has not changed from previous meetings, that is, that the yield plan shows proposed developments on slopes exceeding 30-35%, and that is a major problem. The plan shows lots at the tops of the steep slopes and to get to those areas at the top of the lot would require long driveways with many switchbacks. He added that one lot would take at least nine switchbacks to get to the top of the hill and would result in erosion control and sedimentation problems and the road would almost be on top of itself going up the hill and it just creates more impact. He added that his position is the same as is stated in the subdivision regulations supported by the Master Plan and which has been supported further by the courts.

Mr. Day stated that the charge that was given to Mr. Berry at the last meeting was to revise the plans to conform to the Board's understanding of the direction in the subdivision regulation with regard to not violating what is clearly stated in the Master Plan. His understanding was that any plan that would have resulted from such a revision would be greatly reduced in the number of buildable lots as well as the length of the road. He added that the road itself goes right through one of the sloped areas in question, not to mention prospective driveways on lots. All the information received at this meeting would be very useful under normal circumstances. He stated that the issue is attending to the provision in the subdivision regulation which, by virtue of the Master Plan, would preclude development on any kind on terrain with slopes of greater than 15%, and the applicant has refused to attend to that requirement.

Mrs. Belcher iterated that, at the last meeting, the issues included the difficulty with the slopes and in addition there was the question of whether a drainage report would be done. She added that Mr. Berry had stated that he did not feel it was an actual requirement of the zoning ordinance. She stated that it was the Board's opinion, that because of the makeup of this property and drainage issues being a concern, it was not unreasonable for the Board to ask that this information be provided. She added that if the yield number for the cluster plan was true, then certainly the drainage calculation report that the Board was asking for would bear that out. In addition, it would only substantiate the applicant's claim that those lots are buildable. She stated that she thought it was more than just asking Mr. Berry to change the configuration of the entire subdivision. The Board gave him the option of denial at the last meeting or taking it back to the applicant to determine if he wished to continue. In her mind, it was more than just reconfiguration. If they were going to continue with the plan as it was, then they needed to address the slopes and they needed to produce a drainage report that would allow them the number of houses they were seeking under the cluster development plan. She stated that the issue that was supposed to be in question at this meeting was if the applicant was going to submit a drainage plan or reconfigure the plan, and she didn't think either issue had been addressed. She stated that she would be agreeable to looking at Mr. Gove's report.

Mr. Day stated that the Board agreed that the plan was marginally better than the previous plan, it is still not a plan that is acceptable. All Board members agreed.

Mr. Berry stated that the charge he went away with from the last meeting, according to the minutes, was strictly on the 15% issue. He agreed that there was discussion during the course of the meeting about the lack of a drainage analysis. Mr. Day stated that he did not disagree with Mr. Berry's impression that he was charged with the issue of 15% slopes at the last meeting. He stated that the point that Mrs. Belcher raised has been a continuing concern by the Board as well as the Conservation Commission, namely, the drainage analysis of what would be an acceptable yield plan. He stated he has seen neither. Mr. Berry agreed that while there was considerable discussion about the drainage analysis for the yield plan at the last meeting, he believes the statement made by the Board member at this meeting that he was charged with dealing with the drainage analysis at the last meeting is wrong. He stated that he

believed that was an incorrect statement based on the minutes of the last meeting. Mr. Day stated that the minutes will reflect Mr. Berry's disagreement.

Mr. Berry stated that, according to the Board minutes, it is clear to him that he was charged with the issue of the slopes at the last meeting.

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

Mr. Day stated that the Board has to make a decision of some kind at this meeting. If the option of continuing this hearing again is considered, he did not see how they could change the charge to the applicant to conform to the original requirement to provide a plan that avoids terrain with slopes of 15% or greater. That is the whole point. He stated that the Board can suggest the applicant request a continuance. Mr. Cronin stated that the applicant will not change the plan with regard to the slopes, and added that he would ask to continue if it was so the Board could review the new report submitted at this meeting. But with respect to the slopes, it's not going to change.

**MOTION:** Mrs. Belcher **MOVED** that the Board **DENY** the application for the Clark/DeBross application MBL 10-4-8 (PB #05-07) because it does not conform to Subdivision Regulation Section III – Purpose and Intent Paragraph C, which references the East Kingston Master Plan Natural Resources Chapter 7, which discourages development on slopes in excess of 15%. Mr. Morales seconded and the motion carried unanimously.

Mr. Day stated that the lot line adjustment is the next public hearing for the evening and asked how Mr. Cronin wanted to deal with that at this time. He stated that if they are planning on coming back with another plan, the Board can go ahead with the lot line adjustment hearing.

Mr. Day cautioned that the Board has been confronted with a similar lot line adjustment situation before and the applicant asked to move forward with the lot line adjustment and the application eventually failed. The applicant was stuck with a lot line adjustment.

Discussion ensued regarding the lot line adjustment hearing. If they got a conditional approval, it would only be good for one year. Mr. Day suggested to the Board that they not hold the next public hearing for the lot line adjustment.

Mr. Day stated that he would prefer to not move lot lines unnecessarily. Mrs. Belcher stated that if the applicant wanted to move forward, she would have no problem with that.

Mr. Day closed the public hearing.

PUBLIC HEARING—FOR GLENN AND KATHLEEN CLARK, 21 BURNT SWAMP ROAD(MBL10-4-8)INVOLVING A LOT LINE ADJUSTMENT (PB# 05-08)

Mr. Day opened the public hearing.

Mr. Berry requested a continuance of the public hearing for the lot line adjustment for MBLs 10-4-8 and 10-4-7 to a date in the future. He stated that it goes hand in hand with the development of the subdivision in the last public hearing. He asked for a four to six month continuance. Mr. Morales suggested a quarterly review. Mr. Day stated that the statute requires naming a specific date.

**MOTION:** Mr. Morales **MOVED** that the Board continue the public hearing for the lot line adjustment of Glenn and Kathleen Clark involving MBLs 10-4-8 and 10-4-7 (PB #05-08) to March 16 at 8:30PM. Mrs. Belcher seconded and the motion carried unanimously.

Mr. Cronin stated for the record that he would keep possession of the 3-D slope presentation.

Mr. Day closed the public hearing.

**Bowley Real Estate, LLC** –Mr. Day stated the Bowley Real Estate subdivision is moving right along with the conditions of approval. He stated that the Town Engineer has come up with the number \$540,000 as the performance bond for the two new streets and included in that is a protection bond for Rowell Road of \$20,000. John Ratigan offered John Daly a proposed bonding document that lumped it all together and made no distinctions. Mr. Day did not want it put together. Mrs. Belcher agreed that it should be broken out. Mr. Day stated that the bonds are being written to distinguish between the performance bonds and the protection bond for Rowell Road. The periods of the two bonds will be different as well. The Selectmen are the only people who can positively release the bonds. He stated that they have an agreement with the developer that they will put the monumentation in except for where the road is. As long as Mr. Donald is comfortable with the bounds that will be set, there's no reason why they can't move forward. Mr. Donald suggested taking pictures of where the proposed road comes out by the old Bean house so that it can be determined how much damage is done. Mr. Day stated that it's Rowell Road that they are concerned about. He also suggested having the Town Engineer do a survey of Rowell Road. Mr. Day encouraged the Selectmen to follow through with this. Mr. Day stated that Rowell Road will take a beating with all the truck traffic and he is surprised the Town Engineer thought \$20,000 was enough to cover any damage. Mr. LK Smith stated there was a logging truck there for a month and it didn't do any damage. Mr. Day suggested getting the Highway Agent out to take some pictures to document the present condition of the road. Mr. Quintal stated that it's usually the contractor who takes the pictures and some use a video camera. Mr. Day stated that there will probably be all different contractors building the houses.

**Impact Fees** –The subject of impact fees was raised. Mr. Day stated that it's an administrative nightmare. Mr. Donald asked if impact fees are imposed, does the money have to be earmarked and used for the services that are impacted. Mr. Day stated that it does and it has to be used within six years. Every time impact fees are imposed, a new sub-account has to be created.

PUBLIC HEARING – FOR THE ANNUAL REVIEW OF ZONING ORDINANCE ARTICLE XIII GROWTH CONTROL TO DETERMINE THE NEED FOR IT

Mr. Day opened the public hearing.

Referring to her Findings of Fact, Dr. Robinson noted the growth control ordinance, and explained the figures come from the census and the State Office of Energy and Planning, but they really come from a CEDS document (Comprehensive Economic Development Strategy). In the CEDS, the towns are grouped so there are figures for East Kingston and then there is the category of East Kingston and the neighboring towns which are referred to as "CEDS central towns".

Mr. Day stated the ordinance calls for an annual review in November to determine if the population and growth data, in conjunction with the CIP, justifies the continued application of the ordinance. "After making findings, the Planning Board may change the number of permits allocated annually based on data received during the year to ensure the purposes of this article." Mr. Day stated that the Board can change the number of permits.

Mr. Day cited the ordinance, "1. To manage growth to ensure its compatibility with the 1988 and 1995-7 Master Plan and the 1997 Capital Improvements Program for the Town of East Kingston. 2. To ensure that the East Kingston Elementary School and other Town services will have sufficient capacity and quality to accommodate new development."

Mr. Day stated that he has the minutes from the meeting from last year together with the findings of fact. There are also Dr. Robinson's comments and the RPC population profile and East Kingston's tax rate history from the Selectmen, the update of the taxation history analysis and the actual number of doorsteps in town. The houses in town are counted every year so changes can be seen and a distinction is made between elderly housing and all the other types.

Mr. Day stated the actual student population of East Kingston is: Elementary 188, Middle 87, High School 129. Mr. Donald has issued nine building permits this year and 15 were authorized leaving 6. There are presently over 800 residences in East Kingston.

Mr. Day stated that East Kingston in the 1990-2004 period grew at an average rate of 2.8%. The RPC region as a whole (37 towns) had an average growth of 1.2%. Mr. Morales pointed out that East Kingston is increasing since 1980. He added that New Hampshire and Rockingham County have both gone down, while East Kingston has gone up.

Mr. Day noted the Taxation History Analysis. He added that had the town stayed at the same tax rate as 1992 all along, the tax rate today instead of being over \$4,000, it would have been \$3,100. A \$100,000 house in 1992 is now \$211,987. The rate of spending is continuing to increase. Mr. Day stated that 80% of the tax bill goes to the schools. The real increase in spending over inflation adjusted ability to pay is over 30%.

Mr. Day stated growth control is not applied to elderly housing, it is focused on conventional residential. There are 720 conventional residential properties in East Kingston, of that in 2005, 52 were new construction. That means there is a 7.2% growth potential for 2006. It includes all the subdivisions that haven't been built yet. The whole idea of growth control is to manage that build out so that it doesn't all happen in 2006. The ordinance says we would consider acceptable a 2% growth in residential properties, from that is predicated the number of permits that will be issued; 2% of the conventional housing residences translates to the number of permits. Last year, it was 14.5. This year it will go up one or two.

Mr. Day stated the ordinance says that the number of permits allocated annually can be changed based on the data received. He added that if growth control cannot be justified, the ordinance will lapse.

Mr. Day stated that the school population has remained pretty flat. The number of schoolchildren from 1998 to the present increased from 317 to 404 total. That averages to be an increase of 14.5 children per year. The elementary school is adding 3.2 children a year. At that rate, the capacity for the present school won't be maxed out for 20 years. Mr. Day warned that one should not project outside of the data base. He added that the growth expectations are not being realized. This could be a result of building elderly housing instead of conventional housing.

Mr. Day stated that the Board has to decide to either stick with the present arrangement of 2% or second guess what the market is actually doing. Mr. R Smith said to stick with the 2%. Mr. Morales stated, looking at the growth rate, East Kingston is growing while the rest of the State and County are going down. If that's happening with growth control, what would happen without it. He recommended staying the course at least for the next year. Mrs. Belcher stated that the present system is working based on the fact that property is being developed, the biggest tax burden is being stabilized because of the elderly housing and all the conventional building permits are not being used up. There is more building going on in town without impacting the school system and the town is growing faster than the surrounding towns. She stated that the combination clearly shows that what is being done is working, but it is a temporary solution.

Mr. Morales stated that the increase of taxes was mostly due to the Coop and that is going to continue to grow. Mr. Day stated that the increase in school population numbers is at the high school level and to a lesser extent, the middle school level.

Dr. Robinson stated that the town is at least as justified in continuing with growth control as it was in prior years.

Mr. Day stated he would like to find some mechanism to justify adjusting the number of permits. This is a very subjective process, and given the nature of the data, it is probably impossible to be formulaic.

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

**MOTION:** Mr. Morales **MOVED** that the Board continue to apply the rule of the growth control ordinance, which requires limiting growth to 2% of the presently existing conventional residential properties, based upon the data received and discussed, and assumptions made from that data. Mr. Smith seconded and the motion carried unanimously.



Mr. Day closed the public hearing.

**ADJOURNMENT:**

**MOTION:** Mr. Morales **MOVED** the Board adjourn. Mr. Smith seconded, and the motion carried unanimously at 9:15PM.

Respectfully submitted,

Helen M. Lonek  
Recording Secretary

Approved on: 12/15/05