

TOWN OF EAST KINGSTON, NH  
PLANNING BOARD MEETING MINUTES  
November 20, 1997

**FILE**

AGENDA

7:45 Richard Cook – Haverhill Road Light Industrial Park – Discussion  
8:00 Matt Blunt – 22 Joslin Road – Subdivision – Continued Public Hearing  
8:05 Chip Dodge – Rowell Cove Road – Home Occupation – Discussion  
8:15 Walter Zwearcan/Wayne Ewald – Tilton Lane – Subdivision - Discussion  
8:30 Edward M. Young, Jr. – 140 Depot Road – Home Occupation – Continued Public Hearing  
9:00 James Biotau/Norma Hart – 179 North Road – Subdivision – Public Hearing

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson - Vice Chairman, James Roby Day, Jr.- Ex-officio, Catherine George, Dr. Robert Marston and Alternates Beverly Filio and Robert Nigrello.

Others attending: Lawrence K. Smith - Conservation Commission Chairman, Sarah Campbell - RPC Circuit Rider, Richard Cook, Charles Marden, Chip Dodge, Walter Zwearcan, Wayne Ewald, Mr. & Mrs. Edward M. Young, Jr., Attorney James Troisi, Mr. & Mrs. William DiProfio, Patrick O'Malley, Attorney Jackson Casey and James Bioteau.

Chairman Smith called to order this November 20, 1997 public planning board meeting at 7:34 p.m. with the roll call. At the request of Mrs. George, Chairman Smith designated Mr. Nigrello to vote in her place.

Capital Improvements Plan:

MOTION: Pursuant to RSA 674:5, Mr. Day motioned to hold a public hearing on December 18, 1997 for the purpose of adopting a Capital Improvements Plan. Mr. Nigrello second. The motion passed 5-0.

Growth Control Ordinance:

MOTION: Pursuant to RSA 674:22, Mr. Day motioned to hold a public hearing on December 18, 1997 for the purpose of adopting a Growth Control Ordinance. Mr. Johnson second. The motion passed 5-0.

Subdivision Checklist: The Board reviewed a subdivision proposal checklist form to be completed by a subdivision applicant for the purpose of ensuring the applicant submit a complete application. Mr. Larry Smith recommended that flood plain ordinance provisions and Shoreline Protection Act provisions (RSA 483:b) be addressed on the form.

Voluntary Lot Merger Update: The Board was briefed on a voluntary lot merger involving property on Rowell Cove Road. A property owner of two abutting properties wants to merge the two lots together. Neither lot meets current zoning provisions. Merging the lots together still will not meet current zoning provisions. NHMA recommends the Planning Board use the provisions in RSA 674:39a to merge the two lots siting no violation will be created. Because both lots are considered pre-existing, nonconforming the property owner has vested rights, which allow him to improve the parcels. Merging the lots together is advantageous to the abutters, the property owner and the town. The Board can expect an application to merge the two lots to be forthcoming.

Future Land Use Chapter (FLU): As requested, Mrs. Campbell prepared an estimate for the preparation of a FLU Chapter of the Master Plan.<sup>1</sup> The Board discussed whether the Goals Chapter should be written before the Future Land Use Chapter.

Mrs. Campbell recommends writing the Goals Chapter first, which will lay a strong foundation and give support in preparing the FLU Chapter.

Mr. Day recommends writing the FLU Chapter first. He stated that the Goals Chapter, as recommended by the RPC, should be written using community input. This would mean inviting the community to submit their plans and desires of the Town's direction. That logic takes the Goals Chapter to be written last.

Mr. Johnson suggested the Board generate a questionnaire to be distributed at the special town meeting in January. This time frame would allow the questionnaire to be completed and tallied in time for the Board to use the information in the Master Plan.

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<sup>1</sup> see attached

Mrs. Campbell stated that survey results are not as useful as holding a public meeting.

Chairman Smith added that there might be better attendance if the public hearing is held at the Elementary School.

Mrs. Fillio responded that she is in favor of a public hearing, which will provide a forum for more intense discussion.

**Richard Cook – Light Industrial Park – Discussion:** Chairman Smith opened discussion with Richard Cook at 7:56 p.m. Mr. Cook is proposing the development of the light industrial park located on Haverhill Road.

Mr. Cook explained that he would like to update the Board on the preliminary stage of the project and distributed a small plan showing the layout of the powerlines and wetlands in the light industrial park. He stated that his proposal has been modified to accommodate the wetlands. The number of buildings has been retracted because of the wet soils.

He continued to say that he has contacted the State Wetlands Department, which said it would work with Mr. Cook in a site plan review. Mr. Cook stated that he also contacted Dennis Quintal to study the soils and the boundaries. Jaime Long has gone out and flagged all the soils and outlined the wetlands. It was concluded that the project can still be accomplished.

Mr. Cook went on to say that he would like to complete the project in five phases. Phase I will include the placing six to nine small (i.e. 50' x 100' ft.) buildings with ample parking. The road would begin on Old Route 108. He stated that the setbacks will be higher than what is allowed by the Planning Board.

He further expounded that he would like to swap a small wetland area (possibly creating a duck pond) for two 3/10 and 4/10 dry acre pieces owned by the state. This would allow another six to ten buildings with ample roadway, parking and drainage. The remaining land will be left natural to be developed at a later date.

He stated that he would like to submit in a month or two, an application to the Planning Board to begin Phase I.

The Board discussed an earlier proposal submitted by the late Mel Bowley to develop the park. It was noted that the plan was not approved by the Board as Mr. Bowley changed his mind to implement it.

Mr. Cook stated that he would like to get this project started in the spring. He continued to say that it is his intention to keep a good buffer zone between the park and the abutting properties in consideration of the abutters.

At the inquiry of the Board, Mr. Cook stated that the road leading into the park may be as long as 1600 feet, but that those specifics had not yet been worked out. He is hoping the state will allow a connector to be installed which would allow the road to circle around.

The Board advised Mr. Cook that the subdivision regulations allow for a cul-de-sac of up to 1000 feet. The Board also advised Mr. Cook to contact the natural gas lines companies as there is construction planned for the spring of 1998 on the existing lines that run through the light industrial park.

**Matthew & Lynne Blunt – 22 Joslin Road – Subdivision – Continued Public Hearing:** Chairman Smith opened the public hearing for Matthew Blunt's subdivision proposal located at 22 Joslin Road, MBL# 17-02-07 at 8:15 p.m. The applicant proposes to subdivide 31 acres into 8 parcels.

Chairman Smith acknowledged a written request submitted by Mr. & Mrs. Blunt to extend the 90-day clock and additional 90 days<sup>1</sup>.

**MOTION:** Mr. Nigrello motioned to extend the 90 day clock an additional 90 days in regards to Matthew and Lynne Blunts subdivision proposal located at 22 Joslin Road, MBL# 17-02-07 as requested by the Blunts. Dr. Marston second. The motion passed 5-0.

**Chip Dodge – Rowell Cove Road – Home Occupation – Discussion:** Chairman Smith opened discussion for Chip Dodge, a Rowell Cove Road resident. Mr. Dodge explained that he was interested in purchasing an abutting parcel. The Town maps show the parcel with a boundary line through the front of the property. This boundary line has been scribbled over. Mr. Dodge inquired if the Board knew whether this line in question has been legitimately removed.

The Board recommended that Mr. Dodge ask the Fish and Game Department as they have updated maps of this area.

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<sup>1</sup> see attached

Mr. James Biotteau stated that he was interested in the parcel earlier and he has researched the parcel boundary lines thoroughly and that the line in question does not exist. He stated that the parcel was originally subdivided in 1957.

Mr. Dodge asked if the Board knew of any documentation that would support the removal of that line from the East Kingston tax maps. He continued to say that he is interested in acquiring the land and would like to build a small barn on the property to run his very small general contracting business out of. The business consists of one employee (himself).

He further explained that he would like to use the barn for a workshop to build cabinets and small furniture. He stated that 35% of his time would be spent in the workshop and the remaining 65% would be spent at the job site. He already does woodworking from his basement. There would be no traffic to the property. He has read the Home Occupation provisions and feels this proposal fits into those criteria.

He stated that he is looking for some sort of approval from the Board prior to the purchase of the property. He does not want to have to merge this parcel with his own.

Mr. Day invited Mr. Dodge to the Town Offices on Tuesday to research the Town's deeds on the property. He stated that his boundary line questions should be addressed before the Board approve or disapprove his home occupation proposal.

**Walter Zwearcan/ Wayne Ewald – Tilton Lane – Subdivision Proposal – Discussion:** Chairman Smith opened the discussion for Walter Zwearcan. Mr. Zwearcan is proposing to subdivide an 8-acre lot at Stumpfield Road/108 into two lots with approximately two acres each. The remaining three acres are to be combined with two other lots owned by Wayne Ewald to make a 12.77-acre lot. The 12.77-acre lot would have 55-½ ft. frontage on Route 108 and over 600-ft. frontage on Tilton Lane.

Mr. Zwearcan produced a plan showing the lot's acreage and frontage. It was noted that the 55-½ frontage on Route 108 would be used as access to and from the hay field. The Board recommended that frontage measure at least 50 ft. all the way back to the hay field.

Mr. Zwearcan agreed to modify the plans to reflect the 50-ft. r.o.w. to the field. He then inquired if the Board would consider a waiver from HISS mapping of this subdivision proposal.

Mr. Lawrence Smith stated that the subdivision is on very high ground and that the Town's soils maps show the property as dry.

The Board agreed to waive the HISS mapping requirement as outlined in the subdivision regulations at the recommendation of the Conservation Committee Chairman Lawrence Smith. The Board also informed Mr. Zwearcan of the 21-day application submission deadline.

**E. Michael Young – 140 Depot Road – Home Occupation – Continued Public Hearing:** Chairman Smith opened the continued public hearing for E. Michael Young of 140 Depot Road at 8:44 p.m. with Attorney James Troisi representing Mr. & Mrs. Young.

Atty. Troisi began by providing a summary of the October 16, 1997 hearing. He stated that the Young's were referred to go to the Zoning Board of Adjustment for a variance. He stated that it was his and the Young's position that the well and pump company business was grandfathered in accordance with Article 10.7 of the East Kingston Zoning Ordinance. He further stated that despite their position, the business is in substantial compliance with the provisions of the home occupation ordinance.

Atty. Troisi described the business and stated that the 140 Depot Road property was purchased by the Young family in 1988. He stated that at the time (1988) the home office was present including the well drilling and water trucks.

Atty. Troisi continued to say that the Young's submitted a petition at the October 16<sup>th</sup> hearing from the majority of Brandwine residents in favor of the business. He stated that the motion to deny the application failed at that hearing. A new vote to continue the public hearing was carried that would allow the applicants time to produce and submit to the Planning Board satisfactory documentation that would prove the business was in existence at the 140 Depot Road location prior to the January 6, 1989 grandfathered provision.

He stated that the only business not finished at the October 16<sup>th</sup> hearing was presentation of this evidence. He then inquired if the same Planning Board members from the October 16<sup>th</sup> meeting were in attendance and if they would be voting at this hearing.

Chairman Smith stated that Mr. Catherine George, although present at the October meeting and this November meeting, is excused from voting this evening citing personal reasons. Mr. Robert Nigrello will be voting in her place.

Mr. Nigrello stated that although he was not present at the October meeting, he has read the minutes and feels comfortably informed of the discussion and actions that took place at the [October] meeting.

Atty. Troisi then submitted into the record, the following<sup>1</sup>:

1. An unsigned copy of a warranty deed dated April 30, 1997 which states that E. Michael and Norma M. Young Sr. purchased the 140 Depot Road property on August 4, 1988;
2. An invoice dated June 28, 1988 from Morris Pipe & Supply Company to E.M. Young Artesian Well for items to be shipped to 140 Depot Road, East Kingston;
3. A statement dated November 19, 1997 from Hedley (Bud) Tingley, a Morris Pipe & Supply Company employee, stating that he has been supplying materials to the Young's since 1988, of which some materials have been shipped to the 140 Depot Road location;
4. A statement dated November 19, 1997 from Gordon Hollabaugh, owner & employee for Pyramid Drilling Supply of Londonderry, NH for 10+ years, in which time he has shipped supplies to Michael Young Sr. at 140 Depot Road East Kingston;
5. A statement dated November 19, 1997 from Kenneth Strong stating that in 1998 he had dealt with the Young's at their business address of 140 Depot Road East Kingston.

Mrs. Fillio inquired as to the address of the business as it would be listed by the business insurance company back in 1988.

Atty. Troisi replied that the vehicle insurance was listed as 140 Depot Road.

Mrs. Fillio inquired if the *business* insurance was also listed under the 140 Depot Road location.

Atty. Troisi responded that he did not know. He then stated that the business today consists of a 10'x6' office, with a file cabinet and telephone, only two resident employees and the business uses no signage.

He continued to submit into the record the following<sup>1</sup>:

6. A statement dated November 19, 1997 from Mark Young, brother of the applicant and employee for Windham Pump Company of Windham NH, stating that he has shipped material to the Young's at 140 Depot Road since 1988;
7. A statement dated November 19, 1997 from Peggy Tibbetts, customers of East Kingston Well & Pump Company, stating that she has dealt with Michael Young, Sr. at the 140 Depot Road location in 1988;
8. An affidavit under oath dated November 19, 1997 of Edward Michael Young, Jr., testifying that he has been in the business for over 17 years, and can attest that he did business in 1988 from the 140 Depot Road location.

Mr. William DiProfio stated that Mr. Young, Sr. moved his business from Salem, NH to East Kingston.

Atty. Troisi responded that Mr. DiProfio stated at the October meeting that there was evidence the business was in existence back in 1990. He then stated that the documents requested at the October meeting have been submitted.

Mrs. Fillio stated that the April 24, 1995 Selectmen's meeting minutes state that Mr. Young, Sr., present at that meeting, clearly indicated that in 1995, no business was located at 140 Depot Road.

Mr. James Bioteau stated that the previous building inspector issued building permits for the barn and business in 1994.

Atty. Troisi added that there is no question the home office was in existence in 1994, in fact the office was moved from the house to the barn. He reiterated that he has submitted statements and affidavits under oath. Mr. Young, Sr. has stated that the business's office functions were carried out from the 140 Depot Road location.

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<sup>1</sup>see attached

Atty. Troisi continued to say that Mr. Young, Jr. now runs the business and that materials were delivered to 140 Depot Road in the 1980's which had an office back then and today.

Mrs. Fillio asked if business contracts were signed at 140 Depot Road.

Mrs. Dawn Young responded that her husband would go out to the job site to handle business. Customers do not come to 140 Depot Road.

Atty. Troisi added that the well business is not conducted from 140 Depot Road, only the bookwork, office and truck storage in the garage.

He continued to say that these activities are clearly allowed in Article 10. He stated that it is still his and his client's position that the business is grandfathered.

Mrs. Fillio stated that the Article 10.6 states the business is required to have a home occupation permit and that this business has never been issued one.

Atty. Troisi responded that this explanation is difficult as Mrs. Fillio was not present at the last meeting. He then read Article 10.7.

*Nonconforming uses Any home occupation in operation at the date of the public posting of this ordinance (January 6, 1989) shall be required to comply with 10.4 of this section. Such occupations shall not be required to comply with the other provisions of this section. Provided, however, that any noncompliance in effect as of January 6, 1989 shall not increase. In addition, such occupations shall not be relieved from compliance with other state and local regulations.*

Mr. Day stated that Atty. Troisi is taking advantage of a typographical error in 10.7. The reference to 10.4 should be to 10.5. The 1995 East Kingston Zoning Ordinance handbook clearly demonstrates that the home occupation shall be required to comply with 10.5 of this section. He added that this error may have occurred when the book was updated.

Mr. Day then stated that the business is not a conforming use. In 1989, the Young's should have come in for a permit.

Atty. Troisi stated that in 1989, the Young's did not know they needed a permit.

Mr. Day responded that ignorance of the law is not an excuse.

Atty. Troisi stated that this is the first he has heard of this error. It is the right of the resident to have a literal reading of the ordinance. He reviewed 10.5 and stated that the business office, which is conducted at 140 Depot Road, is a permitted use. The well drilling portion of the business is not carried out at 140 Depot Road and that the business office is of much lower intensity than the permitted uses outlined in 10.5. He further stated that 90% of the abutters signed a petition in favor of the business.

He then asked the Board to use common sense and allow the Young's to continue to operate their business.

Mr. DiProfio stated that if only the home office was located at 140 Depot Road, he would have no problem. He continued to say that what is taking place is the conduct of a commercial business, which has a fleet of trucks that are also maintained at the premises. The noise generated from the premises is not consistent with the rural/agricultural zoning.

He further stated that in his opinion, this business was obvious in 1995 when it was before the Selectmen. It should have been addressed then.

Mrs. Fillio stated that the home occupation ordinance is not being used here. A home occupation is a small business (i.e. arts, crafts, woodworking etc.) conducted from the home. It is not intended to be used for well drilling or oil drilling. The Young's business is inconsistent with the home occupation ordinance.

She continued to say in the past the Board has approved a home occupation for welding business. This too, is inconsistent with the home occupation ordinance. There needs to be some consistency with the Board's interpretation of the ordinance.

Atty. Troisi asked if the welding business conducted any welding from the premises. Upon an affirmative response, he stated that no well drilling is done at 140 Depot Road and that the Young's business is far less intense than the welding business. He stated that two people doing paperwork in an office is less intense than the list of permitted uses in the ordinance.

He explained that last year the well drilling truck tipped over and it was repaired at the premises. Since that time, no truck maintenance has been or will be conducted. The only business vehicles that will be in the yard are the pick up truck, a water truck and a well drilling truck of which will be housed in the garage.

At Mrs. Fillio's inquiry, Mrs. Young stated that the majority of the vehicles are housed at 140 Depot Road only 30 to 35 days out of the year. The remaining time they are located at the job site.

Mr. Bioteau stated that he did not think it was fair that not all the planning board members were present at the last meeting to hear the testimony and feelings of the abutters. He stated that many people came to last month's meeting and only the DiProfio's disapproved of the business.

He continued to say that the business has been at 140 Depot Road since 1988. He stated that there was some railroad ing going on tonight as the new alternate should not be voting. Only one person has a problem with this business, let that person appeal it's approval.

Mrs. Fillio responded that the business must have a permit. The only other option is to throw out the ordinance and let everybody conduct a business of their choice from their home.

Mr. Day stated that at the last hearing, Mr. DiProfio asked if former Building Inspector Joe Conti could be contacted about why he issued a building permit for the barn. Mr. Day continued to say that he contacted Mr. Conti and that Mr. Conti stated that Mr. Young assured him the barn was not intended for business use<sup>1</sup>.

Mrs. George stated that the reason she is not voting this evening is that she is not feeling well. She did however want to raise an issue of the Selectmen's meeting minutes dated January 20, 1997 in which Don Clark stated that he called the Young's and was told that there was no business being conducted from the premises.

She continued to say that the Selectmen's meeting minutes dated April 24, 1995 state that Mr. Young, Sr. said no business was being conducted. She stated that these statements contradict the testimony presented to the Board by the Young's.

Mrs. Dawn Young responded that she does not consider answering the phone and processing bills as running a business. No traffic is being generated from the premises.

Mrs. George stated that the office activities outlined by Mrs. Young do constitute running a business. She also stated that in two instances the Young's have denied conducting a business.

Atty. Troisi stated that Mr. Young, Sr. is not present to answer to the Selectmen's meeting minutes. He then stated that Mr. Conti by his own admission issued the building permit for the office. He continued to say that he believes the business is grandfathered. No wells are being drilled at the premises.

Mrs. Pam DiProfio stated there are too many trucks going in and out of the property.

Atty. Troisi stated that the Young's are willing to limit the number of vehicles that can be stored or maintained at the premises.

Mr. Nigrello stated that the Young's have presented a powerful case which has included testimony that suggests the business has been in existence for many years at 140 Depot Road. He continued to say that the Selectmen's meeting minutes dated January 20, 1997 indicate that the business' main office is in Salem. The testimony presented is confusing and conflicting.

Mrs. Young stated that Mr. Clark called in January 1997 and asked if E.M. Young was in operation at 140 Depot Road, not East Kingston Well & Pump Company. She stated that East Kingston Well & Pump Company is a branch of E.M. Young, which is still in operation in Salem.

Mrs. Fillio asked if the Young's were looking to have a commercial business or a home occupation permit.

Atty. Troisi stated that all businesses are commercial. The Young's want to operate a business office from the premises and be allowed to store, shielded from sight, commercial vehicles. He added that the business meets all the requirements as outlined in the ordinance. He reiterated that the Young's believe that they are grandfathered.

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<sup>1</sup> see attached

Mrs. Fillio responded that because the Young's have not been getting their permits all along, they lost their grandfathered rights.

Atty. Troisi replied that the Young's are here to get a home occupation permit. They were unaware they needed one then, but they would like one now. He further stated that just because you don't apply doesn't mean you lose your vested rights.

Mr. Day stated that if the business consisted of only office work as allowed in 10.5, he would have no problem approving a home occupation permit for the Young's, but the application is for a commercial enterprise whose entirety is at a residence.

Mr. Patrick O'Malley of Brandywine Drive stated that the Young's are conducting a very small business. The only time he ever heard noise from the property is when the well drilling rig tipped over and had to be repaired.

Atty. Troisi stated that when the Young's were notified of the violation they were directed to seek a variance from the Zoning Board of Adjustment. The main endeavor of the Young's was to come before the Board to get the Town's blessing. They honestly feel that they are grandfathered.

He continued to say that the Planning Board has the authority to set restrictions on the business. The Young's are willing to restrict the amount of trucks at the residence as well restrict the size of the office.

Dr. Marston asked if Mr. DiProfio would be agreeable to keeping both big trucks in the garage.

Mr. DiProfio responded that whether the vehicles are in or out of the garage, it's still a commercial business in a residential zone. Approving this home occupation would make a mockery out of the ordinance. He stated that the ordinance should be enforced or thrown out.

Atty. Troisi stated that the Young's would be willing to park the vehicles in the barn. No other vehicles will be maintained at the home as E.M. Young has since built it's own maintenance garage.

Mr. Nigrello stated that the Planning Board couldn't enforce any restrictions to the business.

Mr. Day added that only the court can enforce such restrictions, which will cost the town money. He reiterated that approving this home occupation is approving a commercial enterprise in a residential zone.

Atty. Troisi stated that the Young's would agree to no maintenance being done at the premises.

Mr. Day stated that someone is not telling the truth. The fact remains that whether it be East Kingston Well & Pump Company or E.M. Young, sited at 140 Depot Road, it is a commercial enterprise.

Atty. Troisi argued that the Young's have grandfathered rights.

Mr. Day responded that the business was never grandfathered in the first place.

Atty. Troisi reiterated that the Young's would agree to restrictions. He offered that the only vehicles be stored on the property be a well drilling rig, a water truck and a pick up truck, the same vehicles since 1988.

Mrs. Young stated that at one time there were 12 commercial vehicles registered at the 140 Depot Road location. They weren't housed there, only registered.

At Mrs. Fillio's inquiry, Mrs. Young stated that the vehicle insurance indicated the vehicles were garaged at 6 Pelham Road Salem, NH.

Mrs. Fillio stated that she thought the Young's were pulling a scam. The testimony and information presented to the Board is contradicting. She gave the registration of 12 vehicles being registered in East Kingston, garaged in Salem and insured with a Salem address as an example.

Mrs. Young then stated that the 12 commercial vehicles were parked at 140 Depot Road years ago and registered in Salem.

Mrs. Fillio asked to move the question. She stated that the applicants are asking for a home occupation on one hand and a commercial business on the other.

Atty. Troisi stated that the Young's will amend their home occupation application to say home office only.

Mrs. Young stated that the location of the work site would play into where the commercial vehicles would be left.

**MOTION:** Mr. Day motioned to DENY the application to operate a well and pump company from the 140 Depot Road location, MBL# 04-02-02 predicated on the nature of the business (not a permitted use) and that the business in its entirety is a commercial enterprise located in a residential zone. Mr. Nigrello second the motion based on the conflicting evidence presented to the Board. The motion passed 5-0.

**Norma Hart/ James Bioteau – 179 North Road – Subdivision – Public Hearing:** Chairman Smith opened the public hearing for Norma Hart with representation by James Bioteau for a subdivision proposal located at 179 North Road, MBL# 16-04-07. The applicant proposes to subdivide 12 acres into 2 parcels.

The Board reviewed plans submitted by Mr. Bioteau. Noted were the following:

1. Lot sizes as 5.35 acres remaining to MBL# 16-04-07 and 8.74 acres being conveyed to James and Karen Bioteau as MBL# 16-04-10;
2. MBL# 16-04-07 frontage of 209' and 336' for MBL# 16-04-10;
3. Test pit locations – should be in 4,000 k area (20' from property line);
4. Driveways;
5. Licensed Land Surveyor;
6. Bounds, both existing and to be set; and
7. New MBL#.

Mr. Bioteau requested the Planning Board waive the HISS mapping as required by the subdivision regulations.

The Board reviewed the Town soils map.

**MOTION:** Based on the recommendation of the Conservation Commission Chairman Lawrence Smith, Dr. Marston motioned to waive the HISS mapping as required under Section VI.1.J of the East Kingston Subdivision Regulations. Mr. Day second. The motion passed 5-0.

**MOTION:** Mr. Day motioned to APPROVE the application to subdivide 12 acres into 2 parcels located at 179 North Road, MBL# 16-04-07 subject to the following:

1. 4,000 K area to be shown on the mylar;
2. New lot number shown on mylar (MBL# 16-04-10);
3. NH Licensed Land Surveyor's signature on mylar;
4. Set 3 concrete bounds at new points and indicate on mylar;
5. Show existing bounds on mylar; and
6. The proposed subdivision must receive state driveway approval.

Mr. Nigrello second. The motion passed 5-0.

**Proposed Amendments for March 1998:** The Board reviewed the proposed amendments for March 1998.<sup>1</sup>

**MOTION:** Mr. Day motioned to hold a public hearing on December 18, 1997 to propose amendments to the following regulations/ordinances: Article V – aircraft take offs and landings; Article IV.D.6 – changing 100' to 75' and 125'; Article 10.7 – correct typo (10.4 to 10.5); SR Section VIII – updating reference; SR Section IV – adding driveway setbacks; SR Section XII.B – amend to new RSA changes; SPR adding a sentence to the following sections: 1 Authority; Procedures A; Procedures III; and adopt a Subdivision Checklist for applicants. Mr. Johnson second. The motion passed 5-0.

**Growth Control Ordinance:** The Board will take up discussion on the recommendations of Town Council regarding the GCO at the December 2, 1997 Work Session.

**Work Session:** The next work session will be held Tuesday, December 2, 1997, 7:00 p.m. at the East Kingston Town Offices. The agenda will include the CIP, GCO, zoning amendments, and the Master Plan.

<sup>1</sup> see attached



October 16, 1997 Planning Board Minutes: The Board reviewed the 10/16/97 minutes and noted corrections.

MOTION: Mr. Johnson motioned to approve the October 16, 1997 Planning Board Minutes as corrected. Dr. Marston second. The motion passed 5-0.

November 6, 1997 Planning Board Work Session Minutes:

MOTION: Mr. Johnson motioned to approve the November 6, 1997 Planning Board Work Session Minutes as presented. Mr. Day second. The motion passed 5-0.

MOTION: Dr. Marston motioned to adjourn. Mr. Johnson second. The motion passed 5-0 and this November 18, 1997 public planning board meeting ended at 10:25 p.m.

Respectfully submitted,

Catherine Belcher  
Secretary

Minutes completed and on file November 24, 1997.