



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2003-2004:
James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman

MINUTES

(Regular Meeting and Public Hearings of 20 November 2003)

AGENDA:

7:00PM- **Board Business**

7:15 PM- **Continued Public Hearing** for a proposed 41-unit elderly housing site plan with a community center of Messrs. Scapicchio & Mower involving MBLs 13-3-1 & 14-4-24 (PB#03-OF).

8:00PM- **Continued Public Hearing** for a proposed lot line adjustment of Mr. Glenn J. Tebo involving MBLs 6-2-17 & 6-2-10, and Kingston properties R37-18-3, R37-18-2B & R6-2-10 (PB#03-11).

8:35PM- **Design Review** for a proposed subdivision/site plan of Mr. Glenn J. Tebo involving MBLs 6-2-17 & 6-2-10 and Kingston properties R37-18-3, R37-18-2B, & R6-2-10.

8:50PM- **Public Hearing** for a proposed lot line adjustment for Mr. & Mrs. Daniel T. Bodwell involving MBLs 15-3-5 & 15-3-6 (PB#03-12).

9:20PM- **Discussion Only** for *Lewis Builders* regarding contiguous uplands and density calculations for elderly housing developments.

10:00PM- **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:01PM, and noted he would take notes from which to prepare minutes.

ROLL CALL: Mr. Day called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Mr. JL Fillio, ex-officio, Dr. RA Marston, DVM, Vice Chairman RA Smith, Sr.

Alternate members present – Mr. JD Burton and Mr. EV Madej

Advisors present – Ms. Maura Carriel, Rockingham Planning Commission (RPC) Senior Planner
Mr. LK Smith, Chairman, East Kingston Conservation Commission Chairman
Fire Capt. Andrew Conti, East Kingston Fire Department

Voting member – Mr. Day noted that November is an odd month, and that Mr. Burton shall act as a voting member in the event a member must step down, barring other considerations.

BOARD BUSINESS:

Mr. Day introduced Mrs. Helen Lonek of Epping, New Hampshire, as the prospective Planning Board Recording Secretary and welcomed her to the proceedings. Everyone cheered.

Minutes-

MOTION: Mr. Fillio **MOVED** the minutes of the 6 November 2003 work meeting be approved. Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day noted he would forward the zoning ordinance change recommendations contained in the minutes to Atty. John Daly, Town Counsel, for his review before preparing ballot questions for Town Meeting 2004.

Notes & Asides-

PB Budget. Mr. Day thanked Mr. Fillio and the Board of Selectmen for accepting the proposal to increase the 2004 Planning Board budget to accommodate up to 20 hours per week for the Recording Secretary, and unfunded work projects such as Master Plan chapters and CIP updates.

Reading file. In view of the board receiving bulky reading materials in insufficient quantities, Mr. Day suggested we use a reading file, passing it around for members' perusal. The file at present contains a report on the New Hampshire Estuaries study and a report on New Hampshire population and demographics.

Mrs. Belcher noted she could benefit from a more detailed understanding of the "Smart Growth" concept and program. She, for one, was uncertain that "sprawl" as she understood it was a bad thing, and the benefits of Smart Growth to New Hampshire are unclear. Mrs. Belcher suggested that she liked East Kingston "sprawly", and that she remained concerned with the uncertainty of growth as we are witnessing it presently.

Ms. Carriell indicated there is an OSP pamphlet that describes in some detail the Smart Growth concept and plan, and suggested she could obtain more copies of it for the Board. She noted that one objection to sprawl today in New Hamster was tied to our habit of requiring 2-acre building lots. The effect is to eliminate open space and habitat corridors. Smart Growth would encourage concentration of development to favor village centers. Mr. Day thought he had an OSP Smart Growth manual, and will include it in the reading file.

Mr. LK Smith suggested the UNH Community Profile program is one way to pursue Smart Growth, and it doesn't cost a lot. He also observed that the estuaries report was for our information, and there was nothing for the board to act on.

Correspondence-

Tri-C Manufacturing Co., Inc. Mr. Day made reference to a Board action taken on 15 November 2001 whereby a temporary office trailer installation was reviewed and approved for the *Tri-C Manufacturing Co., Inc.*, 33 Haverhill Road, East Kingston. He noted the agreement at that time with Mr. Richard Cook was for the Board to annually review *Tri-C's* need to keep the trailer longer.

Mrs. Belcher suggested the Board write a letter to the remaining business partners requesting they meet with the Board regarding the continued use of the trailer. Mr. Fillio added that Mr. Cook, now retired from the firm, should be informed as well. Mr. Day agreed to prepare and forward a letter to the owners.

CONTINUED PUBLIC HEARING FOR A PROPOSED 41-UNIT ELDERLY HOUSING SITE PLAN WITH A COMMUNITY CENTER OF MESSRS. SCAPICCHIO & MOWER INVOLVING MBL S13-3-1 & 14-4-24 (PB#03-OF)

The hearing was opened by Mr. Day noting that the engineer for the applicant, Mr. William Gregsak, P.E., had spoken with him, confirming a request the hearing be continued until the next meeting. A letter to that effect had been faxed to the Board, and Mr. Day suggested the Board's only necessary action was to vote on the request for continuance.

MOTION: Mr. Smith **MOVED** the Planning Board continue the public hearing for the 41 unit elderly housing development site plan of Scapicchio/Mower involving MBLs 13-3-1 & 14-4-24 until 18 December 2003 at 7:45PM. Mr. Fillio seconded, and the motion carried unanimously.

At the suggestion of Mr. Fillio, Mr. Day opened the floor for abutter comment.

Mr. Ellsworth Russell, 35 Andrews Lane. Mr. Russell asked, with regard to the gated emergency access road at the end of Andrews Lane, who would control the road's use and when the gate was to be opened or closed. He expressed concern that if in the event some incident on East Road closed the road into the development, the emergency access road would be opened for diverted traffic.

Mrs. Belcher noted that control of such a road and gate is ultimately the Board of Selectmen's, and exercised by the Police and Fire Departments when deemed necessary. The development will also be required to have

covenants and a condominium association. Control and use of the emergency access road are to be described unequivocally in the enabling documents as falling within the purview of the Town and its agents.

Mr. Filio observed that the proposed development cul-de-sac is very long, and the emergency access road is necessary to justify its length. Any suggestion to change the road's status or remove it from the plan would in all likelihood make the cul-de-sac an illegal one.

Mr. Burton posed a "What if" question. What if future emergency vehicles are larger than today's? Will the... ~~emergency access road be able to accommodate them?~~ ...*Town have the power to require such private emergency access roads?*

Fire Capt. Conti noted that in East Kingston's experience, vehicles have gotten longer and taller, but not particularly wider. In any event, the present Andrews Lane is as wide as the proposed emergency access road, and it does accommodate our modern equipment.

Mr. Mark Blaisdell, 37 Andrews Lane. Mr. Blaisdell noted that the present plans depict his house on the wrong side of Andrews Lane.

Mrs. Belcher observed that she is rather sceptical of the applicant's plan in view of the myriad critical comments from the Town Engineer, Ms. Carriel's reviews, and the Board's own findings. She felt there were altogether too many errors and oversights noted for her to have confidence in the plan's conception and intended execution.

Mr. Anthony Batal, 26 Andrews Lane. Mr. Batal asked who would be reviewing these plans before the Board would approve them.

Mr. Day stated that review is an ongoing process, and the Board employs the professional expertise of such as the Town Engineer, RPC Senior Planner, Town Counsel, and other Town agents. The State is also involved, and no approval will be given by the Board until all questions are answered, and advisors satisfied.

Mr. LK Smith noted that the Conservation Commission also had comments to make, and that the commission was presently looking closely at the drainage report. He noted that the proposed drainage detention ponds appear to be poorly located.

Mr. Day closed the hearing to a better comment, and closed the public hearing.

CONTINUED BOARD BUSINESS:

BOCA. Ms. Carriel stated that the currency of our Building Code portion of the ordinance (blue pages) may be in question. She noted that New Hampshire adopted its own code which supercedes BOCA, but she was concerned that portions of what today is in BOCA is not addressed in the New Hampshire code.

Ms. Carriel suggested she confer with Mr. Kory Skalecki, Building Inspector, and prepare a recommendation for the Planning Board in time for a January public hearing, if one would be warranted.

Master Plan Housing Chapter. Ms. Carriel admitted to 30 June 2004 as the deadline for completing the Targeted Block Grant project to update the Master Plan Housing Chapter. Mr. Day noted that we had paid the RPC \$800 as the first tranche in September, and the final payment will come due when the work is completed.

Ms. Carriel asked the Board how we would like to proceed, noting that she thought it a good idea to involve the public in gathering initial ideas and impressions. She also noted that the perceived elderly housing building craze East Kingston is experiencing promises to be a significant factor in any outcome.

Mrs. Belcher suggested that to try to do anything before the first of the year would be very difficult, and no one disagreed.

Mr. Filio thought perhaps a work session in January could be used to set the stage and agenda. He noted that February would not be a good month, because he would be unable to attend.

Mrs. Belcher noted that, were we to make such a working session part of a regular meeting with public hearings, we would have a captive audience. Board member scepticism reigned, but Mrs. Belcher's suggestion was not dismissed as having no merit.

Subdivision Regulation Change Recommendations. Referring to a prepared worksheet, Mr. Day suggested the Board take up previously discussed change proposals. The first proposal was a deletion and addition to paragraph P. of SECTION VII – GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND, to wit:

“Paragraph P.: **DELETE** the last sentence which reads “All engineering and legal fees associated with the subdivision will be paid by the developer if the Planning Board or Board of Selectmen deem such advice necessary to protect the interests of the Town”

ADD the following to paragraph P.:

“All fees and charges due the Town in connection with the subdivision including, but not limited to, reviews and inspections by Town Counsel, Town Engineer, RPC Senior Planner, Fire Department, Building Inspector, and administrative costs incurred by the Town on the applicant's behalf, shall be fully discharged by the applicant. If the subdivision is approved by the Planning Board, the applicant may then apply for a building permit. No building permit shall be issued until all fees and charges are paid in full by the applicant, and final approval of the subdivision by the Planning Board is granted.”

Discussion ensued, with Mr. Smith noting that there is no mention made of lot line adjustments. Mr. Filio asked whether “RPC” should be spelled out, and Mr. Burton felt it appropriate to state no plan would be recorded until all fees are paid.

Mr. Day agreed to make the following changes, and prepare the recommendation for a public hearing in December 2003:

- 1- **ADD “or lot line adjustment”** after all references to subdivision.
- 2- Spell out “RPC” as “Rockingham Planning Commission”.
- 3- Include comment to the effect that charges and expenses associated with an application incurred by the Town after a plan is recorded are also to be borne by the applicant.

Further discussion was prompted by Board members noting a recent applicant's having begun construction without a building permit, and before the conditions of his subdivision approval had been met. Mrs. Belcher suggested the Board of Selectmen take action to fine such transgressors, and the Board reviewed the East Kingston Building Code provisions and Zoning Ordinance ARTICLE XXI authority to levy fines.

Mr. Burton noted that both the references state action “after conviction”, and suggested that we cannot selectively ignore words in our own ordinance and regulation verbiage. Ms. Carriel pointed out that the statutory language in RSAs 676:17 and 676:17-a describe penalties levied after district or superior court action as might be brought by a municipality. Mr. Filio noted that a Cease and Desist order had been delivered in the immediate instance, and the applicant had complied. He thought there is probably no grounds for further punitive action, but the circumstances warranted the Town keeping a close eye on things.

CONTINUED PUBLIC HEARING FOR A PROPOSED LOTLINE ADJUSTMENT (LLA) FOR GLENN J. TEBO INVOLVING MBL 6-2-10, AND KINGSTON PROPERTIES R 57-18-3 & R 57-18-2B (PB#03-11).

The hearing was opened by Mr. Day who noted that the original application had been considered incomplete by the Board, and the revised plan addresses Ms. Carriel's review.

For the applicant: Mr. Henry H. Boyd, Jr., LLS, *Parker Survey & Engineering*. Mr. Boyd referred to Ms. Carriel's review dated 6 October 2003, noting that he believed each of the six items described had been addressed.

Mr. Day observed that the revised plan did not include information or depiction of a fire suppression water source, noting that the East Kingston Fire Department specifically desires its location with an azimuth and distance to a lot's closest corner shown. Mr. Boyd acknowledged that would be included in the final plan.

Mrs. Belcher expressed her discomfort with how Mr. Tebo's entire plan development has unfolded from the very first lot line adjustment for 11 Greystone Road. Mr. Boyd described the applications' evolution from Mr. Tebo's purchase of 11 Greystone Road, the first plan with a cul-de-sac and residential dwellings entirely in East Kingston (withdrawn), and the present lot line adjustment which proposes to incorporate Kingston properties.

Discussion ensued with Mr. Madej asking about driveway locations that might involve Kingston property, and Mrs. Belcher's enquiry regarding the use of Kingston property in some future use. The Board noted that the Kingston Planning Board chairman has made it perfectly clear that they could never accept any dwelling construction on the Kingston properties, so long as there was to be no access from Kingston. Mr. Smith suggested the Board wait to see what the Kingston Planning Board had to say about the LLA proposal.

Mr. Day reflected that the Board had yet to take jurisdiction if the plan was considered sufficiently complete. Noting some concern, Mr. Day observed that jurisdiction did not approve anything, but simply started the 65 day clock for reaching a decision.

MOTION: Mr. Fillio **MOVED** the Planning Board take jurisdiction of Glenn J. Tebo's plan for lot line adjustment involving MBL 6-2-10 and Kingston properties R37-18-2B & R37-18-3 (PB#03-11). Mrs. Belcher seconded, and the motion carried, with Mr. Smith dissenting.

Mr. Day noted there were no abutters in the gathering for comment.

Ms. Carriel enquired how the Board expected the Kingston Planning Board will be involved, and who would sign the plan first. Mr. Day stated he would not sign a plan until the Kingston chairman had, which necessitates Mr. Tebo take his proposal to the Kingston board for presentation, review, and approval. Mrs. Belcher reviewed RSA 674:53 which stipulates that any plan using land in two municipalities must conform to both towns' requirements. In further discussion, the Board agreed that we have ultimate control of this process, and the final decision in view of the proposed road access.

Discussion ensued whether or not to consider a conditional approval now, or wait until the Kingston Planning Board had an opportunity to review. Board opinion eventually favored granting conditional approval with the following conditions identified:

- 1- Placement of concrete or granite bounds and a Certificate of Monumentation signed by the East Kingston Building Inspector.
- 2- Inclusion on the plan of the stamp and signature of a wetlands soils scientist
- 3- Depiction on the plan of the nearest source of fire suppression water (cistern or pond) with an azimuth arrow pointing toward the nearest lot corner and the distance thereto.
- 4- Inclusion of the new lot designations (MBLs) for the Kingston properties on the plan.
- 5- Review and approval by the Kingston Planning Board of the final plan with the chairman's signature.
- 6- All fees and charges due the Town in connection with the lot line adjustment, including but not limited to Town Engineer, Town Counsel, RPC Senior Planner and Town agent reviews, and administrative expenses incurred on behalf of the applicant, be fully discharged.
- 7- Mylar of final plan presented for Board signature and recording.

Mrs. Belcher enquired about a combined hearing with the Kingston board, and Mr. Tebo indicated his attorney had advised he present to each separately.

MOTION: Mr. Fillio **MOVED** the Planning Board grant conditional approval of the lot line adjustment involving MBL 6-2-10 and Kingston properties MBLs R37-18-3 & R37-18-2B (PB#03-11). The conditions are:

- 1- Placement of concrete or granite bounds and a Certificate of Monumentation signed by the East Kingston Building Inspector.
- 2- Inclusion on the plan of the stamp and signature of a wetlands soils scientist
- 3- Depiction on the plan of the nearest source of fire suppression water (cistern or pond) with an azimuth arrow pointing toward the nearest lot corner and the distance thereto.
- 4- Inclusion of the new lot designations (MBLs) for the Kingston properties on the plan.
- 5- Review and approval by the Kingston Planning Board of the final plan with the chairman's signature.

- 6- All fees and charges due the Town in connection with the lot line adjustment, including but not limited to Town Engineer, Town Counsel, RPC Senior Planner and Town agent reviews, and administrative expenses incurred on behalf of the applicant, be fully discharged.
- 7- Mylar of final plan presented for Board signature and recording.

Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

DESIGN REVIEW FOR A PROPOSED SITE PLAN FOR GLENN J. TEBO INVOLVING MBLs 6-2-17 & 6-2-10, AND KINGSTON PROPERTIES R37-18-3 & R37-18-2B.

The Board noted that although the design review had been properly noticed as a part of the public hearing agenda, the abutters had not been notified as required by RSA 676:4. Therefore, the Board agreed that Mr. Tebo's plan for development would be reviewed for discussion purposes only.

For the applicant: Mr. Henry H. Boyd, Jr., LLS, *Parker Survey & Engineering*. Mr. Boyd presented a plan drawing of a 24 foot wide cul-de-sac road of approximately 400 feet with a loop as its terminus. Depicted was an elderly housing development with 4 duplex and 3 single dwellings, all of which were placed in East Kingston.

Mr. Smith asked where the community center was to be placed, and whether there would be a swimming pool in the basement. Mr. Boyd was uncertain about both questions, and Mr. Tebo suggested he thought the center would fit inside the road's loop.

Mrs. Belcher asked specifically how long the road was to be, iterating that we would require a community center and sidewalks. Eyeball estimates of the road and loop terminus suggested the end of the loop to be about 400 feet from Greystone Road.

Mr. Smith enquired whether the structures were within the required 1,200 feet of a fire suppression water source. Fire Capt. Conti assured the Board that the entire lot is presently within 1,200 feet of water.

Mrs. Belcher asked Mr. Tebo about the density calculations used for the plan, and Mr. Tebo noted that because of abutter concerns and the immediate proximity of Mr. Steve Conner's house, he did not plan to try to maximize the number of dwellings. To Mrs. Belcher's question regarding wells, Mr. Tebo noted his intention to use shared wells. Ms. Carriel observed that they would not be considered community wells by the State by virtue of the number of dwellings served. When asked about the size of the proposed dwellings, Mr. Tebo suggested a unit footprint would be perhaps 40 ft x 45ft, including a garage. Mr. Tebo acknowledged the Board's reminder that no dwelling shall have more than 1,500 square feet of living space.

Mr. Tebo was encouraged to go forth to the Kingston Planning Board with the lot line adjustment plan, and perhaps the proposed development plan as well.

PUBLIC HEARING FOR A PROPOSED LOT LINE ADJUSTMENT (LLA) FOR MR & MRS DANIEL T. BODWELL INVOLVING MBLs 15-3-5 & 15-3-6 (PB# 03-12).

Mr. Day opened the public hearing, noting the big question for the Board in his estimation was the depiction of wetlands.

For the applicant: Mr. Dennis G. Quintal, P.E. Mr. Quintal presented a proposed plan to adjust the boundary of two adjoining lots so as to give both sufficient acreage for Current Use. Mr. Quintal noted that he had not included topographical and wetlands information in an effort to save the applicant some expense. He suggested that the missing information was in fact on a LLA approved by the Board in April 2002, and presented the recorded plan (D-29763) for the Board's information.

Discussion ensued about wetlands depiction, and the Board noted that zoning ordinance ARTICLE XI – WETLANDS CONSERVATION DISTRICT requires soil typing be included on a topographic map, and Subdivision Regulations SECTION X requires delineation of wetlands and certified by a wetland scientist. Both

Ms. Carriel and Mr. L. K. Smith observed that it would be sufficient to show the edge of wetlands, and Ms. Carriel added that a note should be included to show uplands calculations.

The Board acknowledged that the plan was sufficiently complete for it to take jurisdiction.

MOTION: Mr. Smith **MOVED** the Planning Board take jurisdiction of Mr. and Mrs. Daniel T. Bodwell's proposed lot line adjustment involving MBLs 15-3-5 & 15-3-6 (PB#03-12). Mr. Fillio seconded, and the motion carried unanimously.

Mr. Day opened the hearing to a better comment. There being none, Mr. Day closed the hearing to a better comment.

Discussion ensued about what to require on a final plan, and what would be the conditions of an approval. The Board generally agreed that depiction of the wetlands edge would be sufficient, but questions about setbacks from lot boundaries and poorly/very poorly drained soils arose. Mr. Day reviewed a list of conditions he suggested might serve, to wit:

- 1- Depiction of the edge of wetlands.
- 2- Note to include calculations of uplands.
- 3- Certificate of Monumentation signed by the East Kingston Building Inspector.
- 4- Depiction of building setbacks from property lines and poorly/very poorly drained soils.
- 5- All fees and charges due the Town in connection with the lot line adjustment, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Senior Planner, and Fire Department, and administrative costs incurred by the Town on behalf of the applicant be fully discharged.
- 6- Final plan mylar to be submitted to the Board for signature and recording.

MOTION: Mr. Fillio **MOVED** the Planning Board grant conditional approval of the lot line adjustment involving MBLs 15-3-5 & 15-3-6 (PB#03-12). The conditions are:

- 1- Depiction of the edge of wetlands.
- 2- Note to include calculations of uplands.
- 3- Certificate of Monumentation signed by the East Kingston Building Inspector.
- 4- Depiction of building setbacks from property lines and poorly/very poorly drained soils.
- 5- All fees and charges due the Town in connection with the lot line adjustment, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Senior Planner, and Fire Department, and administrative costs incurred by the Town on behalf of the applicant be fully discharged.
- 6- Final plan mylar to be submitted to the Board for signature and recording.

Dr. Marston seconded, and the motion carried unanimously.

Mr. Day closed the public hearing.

DISCUSSION ONLY FOR LEWIS BUILDERS WITH REGARD TO ELDERLY HOUSING DEVELOPMENT DENSITY CALCULATIONS AND CONTIGUOUS UPLANDS.

For *Lewis Builders*: Messrs. Chris Frey and Robert Fryer, Esq. Mr. Frey presented a rather sketchy drawing of a part of East Kingston property MBL 1-1-1. He noted that the northerly portion of the property had not been included because their question to the Board does not pertain to it.

Mr. Day prefaced further comment with the Board's understanding of "discussion only" discourse. He noted that no opinion the Board might express in the course of this discussion is ultimately binding, bearing in mind that circumstances, facts, and changing realities could easily reverse the Board's opinion on any question. Messrs. Frey and Fryer acknowledged this procedural (and statutory) caveat.

Mr. Frey posed their question regarding the Board's understanding of "contiguous" uplands as it pertained to residential unit density calculations in ARTICLE XII – ELDERLY HOUSING. He observed that they were uncertain how to treat pockets of uplands in a given parcel. Are they to be treated individually for development planning purposes, or can they be summed to calculate an overall housing density on a parcel of land.

Mr. Smith asked where they intended access to be on the lot in question. Mr. Frey described a private loop road that would traverse poorly drained soils in at least two places.

Discussion ensued with Mr. Burton cautioning the Board to be careful with interpretations, and the particular use of words in our ordinances. No one disagreed. Ms. Carriel noted that, whereas the paragraph under discussion, i.e., **B. General Standards: 3.**, begins with "*The maximum allowable number of units allowed on a site is two units per acre of contiguous upland...*", the calculation method which follows makes no reference to "contiguous" uplands. Our practice has been to follow the formula.

Mr. Fryer noted that their proposed density calculations would not include the northerly portion of the property because it would be subdivided out as one of the first steps in any development plan.

Mr. Day suggested the Board poll itself for their non-binding, personal opinions about how to interpret the use of "upland" in density calculations;

Dr. Marston felt that, in this instance, the ordinance would require two developments on the land that is sketched out before us. He observed that he would prefer to see no development to begin with.

Mr. Madej saw no problem with the ordinance, or with what might be proposed.

Mr. Fillio stated that if "contiguous" is understood and taken broadly, then it would save an applicant time and money. He suggested the Board err on the conservative side.

Mr. Smith observed that he would treat it as a single development unit. He asked whether a Lewis plan would have houses on both major upland areas shown. To Mr. Frey's yes, Mr. Smith noted he would prefer a single plan for the whole. Mr. Fryer iterated that their intention would be to subdivide the northern portion of the lot.

Mrs. Belcher asked if the developer had done density calculations, and Mr. Frey noted that they estimated 30 to 40 units could be incorporated. Mrs. Belcher reiterated her concern with the pace of development in East Kingston. She noted that the Town's face and character are changing at an accelerating pace, and the Board's intent for tax benefits coincident to elderly housing development have yet to be seen. She stated that she remained on the fence with regard to the uplands and density calculations question.

Mr. Burton suggested two points: 1) the most practical approach would be to treat any development as a single plan, and 2) multiple islands of development within a development diminish its integrity, but we must be careful with how we employ the ordinance verbiage. He recommended some sort of waiver be considered for this instance. Mrs. Belcher stated that she had had a "rethink" in light of Mr. Burton's comments, and could favor two developments, so to adhere more closely to the ordinance verbiage. Mr. Burton felt we should take any interpretation narrowly if we are to withstand close scrutiny.

Ms. Carriel noted that we are looking at a single parcel of land, and observed that Messrs. Frey and Fryer stated the density calculations for one or two development plans resulted in the same number of units. Further discussion ensued about fragmented, "island" developments on a single parcel, and the self-limiting effect of setback requirements from lot boundaries, wetlands, well heads, and septic systems.

Mr. LK Smith interjected that the State would much prefer to have a single wetlands impact application, presumably to reduce any overall impact, and make their job easier.

Mr. Day concluded the discussion, noting that given the sketchiness of the proposed development, the unknowns surrounding *Lewis Builders'* eventual intentions, and the opinions and perspectives of the individual Board members, he could give no clear-cut opinion himself, but expressed the hope that the discussion had been helpful. He suggested Messrs. Frey and Fryer go forth and prepare a plan if they wish.

CONTINUED BOARD BUSINESS:

Den's Auto Body. Mrs. Belcher suggested the Board address the letter of intent from the Mulvey's with regard to permitting someone else to operate the auto sales business on their premises at 17 Haverhill Road. The Board

noted there was no proposed change of use, but simply a change in the business operator. Mrs Belcher suggested the Board forward a letter to the new operator, copy to the Mulvey's, to include the Board's earlier decision about the permitted commercial use. She felt also that the Mulvey's should be made to understand that they are responsible for ensuring continued compliance with the original decision. Mr. Day stated he would prepare such a letter, if the Board agreed.

ARTICLE XII – ELDERLY HOUSING. Ms. Carriel reiterated her position about the question of separated contiguous uplands affecting density calculations. She noted that the Board had accepted summing upland areas in the case of previous elderly housing developments, with no apparent objections voiced. Mr. Burton observed that he was not in favor of trying to tie upland islands together with roads. The Board left the matter open for further discussion.

ADJOURNMENT:

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

Respectfully submitted,

James Roby Day
Minutes approved as corrected *18 December 2003*