

East Kingston, NH  
Planning Board Minutes

Date of Meeting: November 21, 2002  
Place of Meeting: Town Hall  
Time of Meeting: 7:00 p.m.  
Type of Meeting: Regular Meeting

Present: Richard Smith, Chairman; Jack Fillio, Ex-Officio, Dr. Robert Marston, Gene Madej, alternate and Catherine Belcher, alternate.

Others Present: Maura Carriel, Rockingham Planning Commission  
Allan Mazur, Fire Department  
Kent Shepherd, Building Inspector  
Larry Smith, Conservation Commission

Call to Order: Mr. Smith called the meeting to order at 7:00 p.m. Mrs. Rice conducted the roll call. Mr. Smith appointed Mrs. Belcher as regular members for this evening.

Acceptance of Minutes

October 17, 2002:

Mr. Fillio made a motion to accept the minutes as corrected.

Dr. Marston seconded. The motion passed unanimously.

Board Business

1. The board was informed of inspection results from Civil Consultants for Cricket Hill. Copies of these reports will be made and forwarded to the members of the board.
2. The board signed the Zoning Ordinance proposed amendment from the public hearing held on October 17<sup>th</sup>. This will be forwarded to the Town Clerk.
3. Rockingham Planning Commission 2003 dues will be \$1,553 which is based on a population of 1,827 x \$.85 per capita. This represents an increase of \$37.00.
4. Letter of appreciation to David Morse who served as a member of the Planning Board.
5. Letter from the East Kingston Elementary School regarding future enrollment and growth at the elementary school per the inquiry of Catherine Belcher for the Growth Management Ordinance.

Public Hearing for a proposed Lot Line Adjustment for Gale L. and Raymond R. Donald, 174 North Road, TMBL 16-3-3 and Conti Family Trust, Joseph and Henriette Conti, Trustees, 168 North Road, TMBL 16-3-5

Mr. Dennis Quintal, P.E., Civil Construction was present. Plans were presented to the board.

This lot line adjustment is between parcels 16-3-3 and 16-3-5 where the current lot line from the existing house on lot 16-3-3 is 10' and was built by Mr. Conti many years ago. Mr. Donald has maintained the property for an additional 40' from the corner of the property and the neighbors felt it was time to bring the house into conformity with the side lot line.

Mr. Quintal presented a waiver request for Land Subdivision Regulations, Section VII-Soils and Wetland data requirements as follows:

Lot 3 (Donald) is a small lot, which will have an area of upland soils added to it, improving the soil characteristics of the lot. Lot 5 (Conti) is a much larger lot (7.38 Ac.) And the reduction of area resulting from the LLA will have no significant effect on the soil characteristics of the lot.

A report was received from Rockingham Planning Commission relative to this proposal. Mr. Quintal reviewed each item and noted the only outstanding items from Ms. Carriel's list are the surveyor stamp and signature and a Certificate of Monumentation.

Mr. Fillio made a motion to accept the plans for jurisdiction.

Ms. Belcher seconded. The motion passed unanimously.

Ms. Belcher made a motion to accept the waiver request for Land Subdivision Regulations, Section VII-Soils and Wetland data requirements as provided by Mr. Quintal.

Mr. Fillio seconded. The motion passed unanimously.

It was noted the new frontage for the Donald lot would be 190' which is more conforming, but does not meet the current zoning ordinance requirement of 200'. The board questioned the location of the septic system and it was noted to be placed somewhere to the rear of the residence.

Scott Szuba, abutter was present and had no comment.

Mr. Fillio made a motion to grant the lot line adjustment provided the waiver request is placed on the plan, the plan is stamped and signed by a licensed land surveyor and a completed certificate of monumentation is received.

Ms. Belcher seconded. The motion passed unanimously.

Public Hearing for a proposed Lot Line Adjustment for Mark and Paula Brinkerhoff, 10 & 32 Burnt Swamp Road, TMBL 10-6-9 and 10-6-3

Mr. Dennis Quintal, P.E., Civil Construction, Mr. and Mrs. Brinkerhoff were present. Plans were presented to the board.

Mr. Quintal explained to the board that the Brinkerhoffs currently own the two parcels located at 10&32 Burnt Swamp Road and would like to recreate one lot which consists of 4.61 acres and one lot which consists of 18.53. Mr. Quintal reviewed the letter received by Ms. Carriel, Rockingham Planning Commission as follows:

1. The title block should include the tax map and parcel numbers of the subjectlots. This will be added to the plans.
2. The location of the septic system for lot 10-6-3 should be shown on the plans to show that it meets setbacks and that the lot line adjustment does not result in the need for an easement on lot 10-6-9. Mr. Quintal noted that test pits were located on the west side of the existing house and an easement is not needed.
3. A wetland scientist stamp should be added to the plans. This will be completed.
4. The plat shows an iron pin set on the new property line approximately 100' from the centerline of the original channel. The recommendation is that additional monumentation be set closer to the stream location to more clearly define the property line. Mr. Quintal noted he would try to place additional monumentation along the stream bed and note such on the final plan.
5. The Town's Subdivision Regulations (Sec. VII) require the provision of soils information. The Board could justify granting a waiver for soils information based on the fact that both lots are currently developed. However, the applicant should submit a written request for a waiver. Any waiver requests should be noted on the plans. A waiver request was presented.
6. The board requires a certificate of monumentation prior to final approval. This will be presented.

Mr. Fillio made a motion to accept the plans for jurisdiction. Ms. Belcher seconded. The motion passed unanimously.

The board discussed placing a note on the plans to note the common driveway between lots 10-6-9 and 10-6-10.

Mr. Richard Gordon and Mr. Norman Brandt, abutters were present and had no issues with this proposed lot line adjustment.

Mr. Fillio made a motion to accept the waiver request the Town's Subdivision Regulations (Sec. VII) to require the provision of soils information which reads as follows:

Mr. Quintal flagged and located the edge of wetlands with poorly drained soil, on both of these lots. The submitted site plan shows lot 10-6-3 with the existing single family home, being reduced to 4.61 acres. On this proposed lot there are three areas of contiguous wetlands. Soil testing was conducted in June, 2001 on the two upland areas abutting the street. One area, 34,237 square feet, with the house, has an existing artesian well and area enough for a replacement waste disposal system. The second area, 40,183 square feet, on the west side of the lot has at least 4,000 square feet for disposal. Since the proposed lot has an existing dwelling, minimum lot area, contiguous area and as shown can support waste disposal, further work to provide soil information does not appear to be necessary.

Dr. Marston seconded. The motion passed unanimously.

Mr. Fillio made a motion to grant conditional approval pending receipt of the following:

1. Waiver to Land Subdivision Regulations Section VII-Soils and Wetland Data to be noted on the plans.
2. All boundary markers are to be set and Certificate of Monumentation presented.
3. Plans are to be signed and stamped by the Licensed Land Surveyor and Wetland Scientist.
4. Title block needs to reflect the Tax, Map and Block Number for all parcels included in this lot line adjustment.
5. A note shall be placed on the plans depicting the common driveway shall be shared by both lots 10-6-9 and 10-6-10.
6. Receipt of State Subdivision and State Subdivision Approval Number noted on the plan for TMBL 10-6-3.

Dr. Marston seconded. The motion passed unanimously.

Public Hearing for a proposed Lot Line Adjustment for Wayne R. And Eileen M. Ewald, 14 Tilton Lane, TMBL 14-3-12; Alan L. Resnick and Linda Baker Resnick, 34 North Road, TMBL 14-3-1 and Robert C. And Michelle E. Burns, 30 North Road, TMBL 14-3-2

Mr. Walter Zwearcan, Mr. Wayne Ewald and Mr. Robert Burns were present.

Mr. Zwearcan presented a lot line adjustment plan depicting the transfer of approximately 128,975 sq. ft. (2.96 acres) from lot 14-3-2 to lots 14-3-1 and 14-3-2 (76,806 sq. ft. to lot 14-3-1 and 52,168 sq. ft. to lot 14-3-2).

A report from Ms. Carriel, Rockingham Planning Commission was received.

Ms. Carriel's review generated the following responses:

1. Note 6 references a recorded easement (assuming across lot 14-3-1 favoring lot 14-3-12) It was asked if the easement would continue. This easement will not continue.
2. The Town's Subdivision Regulations (Sec. VII) require the provision of soils information. The Board could justify granting a waiver for soils information based on the fact that all three lots are currently developed. However, the applicant should submit a written waiver. Any granted waivers should be noted on the final plan. A waiver request was received written by Mr. Ewald.
3. The board requires a certificate of monumentation prior to final approval.

Ms. Belcher noted the application was not signed by all three applicants. Mr. Burns was present and signed the application.

The board discussed this issue and noted before any action is taken on any plan, all applicants must sign the application in order for the board to know that they understand changes will occur to their property.

Ms. Belcher made a motion to continue the public hearing until later in the evening to allow Mr. Ewald time to obtain Mr. Resnick's signature.

Mr. Fillio seconded. The motion passed unanimously.

Public Hearing for Richard J. Smith, 140 Depot Road, TMBL 4-2-2 for a home occupation permit to conduct a carpentry business

Mr. Richard J. Smith was present.

Mr. Smith explained to the board that he currently holds a purchase and sales agreement contingent upon obtaining a home occupation permit for the property at 140 Depot Road. In the past this property had a home occupation, a well drilling company. Mr. Smith stated the nature of his business is an off-site carpentry and general contracting business. He noted he would be using the garage for the storage of his vehicles and the equipment such as nails, saws and ladders. He noted his employees go directly to the site and no customers come to the premises. He noted no deliveries will be made to this premises.

The board reviewed various items of concern as noted below with Mr. Smith agreeing to these contingencies and with the following motion:

Dr. Marston made a motion to make a positive recommendation to the Board of Selectmen regarding Mr. Smith's application for a home occupation located at 140 Depot Road, with a business name of A.J. Wood, Co. and the following agreed upon contingencies:

1. No business deliveries will be made to 140 Depot Road.
2. All work to be conducted at the site.

3. All left over material is to be discarded, none will be returned to 140 Depot Road.
4. 4 Vehicles are used for the business and include a non CDL dump truck which is lettered for the business, a small tractor, a van used for employees and a pick-up truck which is lettered for the business. These vehicles will be housed in the garage.
5. 4 employees are employed at this business. This number includes Mr. Smith as an employee with three non-resident employees. Non-resident employees report to work at the job site.
6. The hours of operation are 6 am to 5 pm, Monday-Friday.
7. No noise shall be generated as a result of this business.
8. Items to be stored on the premises include general carpentry tools such as nails, saws, ladders, etc.
9. Vehicle maintenance and necessary maintenance supplies such as gasoline and oil are allowed on the premises.
10. The garage which consists of 33,027 square feet shall house the business with 50% of this gross floor space being allowed for use by this business.
11. A room in the 3600 square foot house will be used as an office.
12. The applicant agrees to an annual Fire Department and Code Enforcement inspection.
13. The Board of Selectmen shall give final approval and permit for this business.
14. No signs will be displayed.
15. This recommendation is made conditioned upon the completed purchase of this property by Mr. Smith and approval from the Board of Selectmen.

The board explained to Mr. Smith that this is only a recommendation to the Board of Selectmen and that the final decision rests with the Board of Selectmen. Mr. Fillio explained the Board of Selectmen would not be meeting this coming Monday evening, but he could contact the office to be scheduled for the following Monday evening.

Mr. Fillio seconded the motion and the motion passed unanimously.

Public Hearing for a proposed three lot subdivision for Richard Cook and David Sullivan, 3 Bowley Road, TMBL 11-2-11 for two residential lots and one non residential lot

Mr. Dennis Quintal, P.E., Civil Construction and Mr. Richard Cook were present. Two abutters who did not give their names were present who live on Ashlie Drive.

Mr. Cook presented a plan depicting a three lot subdivision located on Bowley Road and Ashlie Road. Mr. Cook would like to propose a back lot off Ashlie Road consisting of one residential unit (2.05 acres). On Bowley Road, one residential lot (3.01 acres) and one non-residential lot (33.96) would be proposed. The parcel is located in the Light Industrial/Residential District and a large portion of the lot falls within the Wetland Conservation District.

A report from Ms. Carriel, Rockingham Planning Commission was received and reviewed. Most of the comments from this review dealt with the current classification of Bowley Road and the process by which the Town would allow the upgrading of this road. Ms. Carriel also noted that a frontage

issue has arisen regarding the residential lot located off Ashlie Road. It appears this lot consists of only 40' and the board has posted Zoning Ordinance changes for back lots which would affect this proposal.

Mr. Cook noted he had met with the Board of Selectmen on Monday evening to discuss the upgrade of Bowley Road and that there were no objections to upgrade to town specifications. Discussion with the board ensued regarding the back lot off Ashlie Road and the fact that the Planning Board has posted Zoning Ordinance amendments to the back lot provision which would affect the back lot being proposed. The Board and Mr. Cook discussed various layouts for extending Ashlie Road into a loop road which would increase the number of house lots depending on the various proposal. The board reviewed proposals for the extension of Ashlie Drive as a cul-de-sac which would violate the existing 1,000 dead end length of a road. The board also reviewed the history of Ashlie Drive in which it was noted that the existing Ashlie Drive extends beyond the 1,000 dead end road length and the cul-de-sac or temporary turn around is located on Mr. Cook's property. The extension of the cul-de-sac would make Ashlie Drive 1,720' long and create five additional residential lots. The board reviewed the location of the wetlands and discussed the loop road provision which would bring the road down the abutters lot line onto Bowley Road to avoid or minimize the wetland disturbance. The board reviewed the power line easement and the status of Bowley Road.

The board discussed the status of Bowley Road and noted that Bowley Road has been closed to gates and bars past the new home that was recently constructed. The board discussed the upgrade to allow the necessary frontage for the new residential lot and the access to the light industrial lot which would consist of a long driveway to business condo and storage units. The board noted that research would need to be conducted on the closing of this road.

The board discussed with the abutters present the idea of a thru road extending from Bowley Road to Ashlie Road, the potential of increased traffic thru the residential neighborhood, number of new residential lots being created depending on the layout and design by the applicant and the consideration of waiver to allow Ashlie Road to be 1,720 feet long. It was noted that a fire pond is currently being designed to accommodate the existing wetland features. The history of the project was discussed regarding the old Franklin Park subdivision. It was noted that this cul-de-sac was never built or approved by the Planning Board.

The board as a consensus felt that a redesign of the road into a loop road would be most beneficial. The board discussed the re-notification of abutters as additional residential lots would most likely be added to this plan and it was noticed for two residential lots and the map that was sent with the original notification did not depict a loop road. The board felt the application with a new road layout and change in the number of lots would require a re-notification to the abutters. The board felt that Mr. Cook would need only pay for the cost of legal notice fee and abutter fee.

Mr. Fillio made a motion to continue the Public Hearing until December 19, 2002 at 8:15 p.m. with re-notification taking place.

Ms. Belcher seconded. The motion passed unanimously.

Public Hearing for a proposed non-residential site plan for Richard Cook and David Sullivan, 33 Haverhill Road, TMBL 11-2-11 for the construction of 31,520 square feet of non-residential space

Mr. Dennis Quintal, P.E., Civil Construction and Mr. Richard Cook were present.

Plans were presented which depicted access from Bowley Road on the newly proposed subdivision lot off Bowley Road as noted in the previous hearing. The lot would consist of approximately 33 acres to serve two sets of buildings. The entrance off Bowley Road would be modified and the long driveway would extend thru the wetland with the crossings to be as minimized as possible to the uplands. The buildings are proposed as having multi-units.

Ms. Carriel noted the plans lack detailed listings such as square footages of the proposed units, number of units, landscaping details, etc. The board requested a map be prepared showing the location of the non-residential units to the proposed residential lots so the board could gain a better understanding of the whole concept.

The board briefly reviewed the plans with regard to frontage and access issues. The board discussed building and fire code regulations with the Fire Chief and Building Inspector.

Due to the possible reconfiguration of this subdivision and lack of detailed plans submitted Mr. Fillio made a motion to continue the public hearing until December 19, 2002 at 8:45 p.m.

Mr. Madej seconded. The motion passed unanimously.

Public Hearing for a proposed non-residential site plan for Paul Masone, owner, 213 Haverhill Road, TMBL 11-2-16 & 17: AT&T Wireless Services and National Tower LLC applicants for a proposed wireless telecommunications facility consisting of a 180 foot monopole with three flush mount antennas and equipment cabinet

Mr. Paul Masone, owner, Mr. Barry Hobbins and representatives from AT&T Wireless Services and National Tower, LLC were present.

Mr. Hobbins gave a brief overview of the application for the proposed wireless telecommunications facility and the location of such.

A report was received from Ms. Carriel, Rockingham Planning Commission this evening regarding this proposal. It was noted that the current owner of both lots is Paul Masone. The parcels are located in the Light Industrial/Residential District, and large portion of both parcels falls within the Wetlands Conservation District. The plan set is dated 7/12/02 with a revision dated 8/27/02. The applicant would like to construct a 180 foot monopole telecommunications tower with ground equipment on lot 11-2-16, with access and parking on lot 11-2-17. The initial installation would



provide for antennas for one provider and accommodations for three or more additional providers.

Ms. Carriel brought to the board's attention that the Town Zoning Ordinance and Site Plan Review regulations are being violated with this proposal as the tower location does not comply with Zoning Ordinance Art. XV, Sec. F.4,a) 1, which specifically states a property line setback of a distance equal to 125% of the height of the tower from all lot lines. The applicant could choose to obtain a variance or propose a lot line adjustment or simply apply for a voluntary lot merger.

Ms. Carriel informed the board that this zoning issue should be addressed before an in-depth review is begun and the board begin consideration on this application. Ms. Carriel also suggested the applicant meet with her directly to work on this application to identify other potential issues with the application and/or plans.

Mr. Masone stated he was unaware of this problem and would seek a voluntary lot merger.

The board noted several towers are located in area towns.

Mr. Richard Gordon asked about tower removal bonds and the board noted this would be something that would be discussed.

Mr. Fillio made a motion to continue the public hearing until December 19, 2002 at 9:15 p.m.

Dr. Marston seconded. The motion passed unanimously.

Other Business:

Mr. Paul Masone addressed the board to inform them that he has a new tenant for one of his buildings. Mr. Perillio operates a custom stone cutting business. The board asked that Mr. Perillo come before the board on December 19, 2002 at 9:45 p.m.

Continued From Earlier This Evening: Public Hearing for a proposed Lot Line Adjustment for Wayne R. And Eileen M. Ewald, 14 Tilton Lane, TMBL 14-3-12; Alan L. Resnick and Linda Baker Resnick, 34 North Road, TMBL 14-3-1 and Robert C. And Michelle E. Burns, 30 North Road, TMBL 14-3-2

Mr. Zwearcan, Mr. Ewald and Mr. Burns were present. Mr. Burns noted that they were unable to obtain the signature of the Resnicks.

Mr. Ewald addressed the board and asked why this is not noted on the application. Ms. Belcher informed Mr. Ewald that the board needs to protect itself and have the permission from all parties involved in such a transaction and have written authorization to proceed. The board felt that they could proceed and make the required signature a condition of approval.

The board re-reviewed the plans and the proposed lot line adjustment proposal between the three parties involved.

Mr. Fillio made a motion to accept jurisdiction of the plan.

Mr. Madej seconded. The motion passed unanimously.

The board reviewed the waiver request as presented by Mr. Ewald regarding Subdivision Regulation Section VII-Soils and Wetland Data requirements.

Mr. Fillio made a motion to accept the waiver request as presented.

Mr. Madej seconded. The motion passed unanimously.

Mr. Fillio made a motion to grant conditional approval pending the resolution of the following items:

1. Waiver to Land Subdivision Regulations Section VII-Soils and Wetland Data to be noted on the plans.
2. All boundary markers are to be set and Certificate of Monumentation presented.
3. Application to be signed by all three parties involved.

Ms. Belcher seconded. The motion passed unanimously.

#### Public Hearing for proposed Zoning Ordinance Change

1. Article IX-Lot Area and Yard Requirements. Section B.2, B.4 B.6 and B.7 to increase the amount of frontage, width and driveway location required for backlot subdivisions (Legal Notice with full text was available at the Town Offices during normal business hours) (this full text is attached as Addendum #1 to these minutes)

Mr. Smith opened the public hearing, read the proposal and asked for public input.

Mr. Dennis Quintal, P.E. was present and asked why the Planning Board was changing the ordinance at this time.

Mr. Smith stated the board had experienced problems with the backlot provision of not being used in the intent that perhaps it was intended and Ms. Belcher noted concerns with lot size configuration and shapes.

Mr. Quintal explained Newton's provision of having no lot narrower than 75 feet between the road and the home. He explained that sometimes it is very hard to meet given the physical and natural features of the land and keeping uniformity.

The board discussed the provisions of the backlot feature and discussed with Mr. Quintal minimum lot widths, uniform lot shapes and access to property only having 40 feet of frontage. The board discussed the option of requiring an additional ten feet so that the frontage is 50 feet which would leave the opportunity for a road to be put in for future development of the property. The board also discussed that back lots are required to be greater than five acres which also leaves an opportunity for future development if 50' is left for the frontage. The board discussed leaving a 75' frontage requirement to allow utilities, driveway and slope easements to be placed on the lot. The board also discussed 75' v. 125' and the arbitrary nature that these numbers were presented. The board also discussed with Mr. Quintal fire protection services to back lots and the actual viability of allowing this provision. The board also discussed the number of lots within town that this provision could be utilized and the limited development that would occur if the frontage were kept at 40 feet v. 125 feet as proposed. The board discussed the advantage of this provision to the larger land owners who may be considering utilizing a back lot concept and keeping larger acreages in tact.

The board felt after the discussion, that perhaps it would be better to continue the public hearing to investigate further this provision, impact of the ordinance and research other back lot provisions.

Ms Belcher made a motion to continue the public hearing until December 19, 2002 at 10:05 pm.

Mr. Madej seconded. The motion passed unanimously.

#2 Article II-Definitions for "Standard Residential Dwelling Unit".(Legal Notice with full text was available at the Town Offices during normal business hours) (This full text is attached as Addendum #1 to these minutes)

Mr. Smith opened the public hearing, read the proposal and asked for public input.

No public input was received.

The board explained the purpose of this was to clarify and define the "Standard Residential Dwelling Unit" in accordance with calculating the annual building permit allotment. This definition clearly defines what the standard residential dwelling unit and excludes the elderly housing units.

Ms. Belcher made a motion to present this proposed amendment to Town Meeting ballot in March, 2003.

Mr Fillio seconded. The motion passed unanimously.

Public Hearing for proposed Subdivision Regulation Changes to:

Section II-Title; Section III-Purpose and Intent; Section IV-Jurisdiction; Section IV-General Requirements for the Subdivision of Land; Section XIV-Procedure for Obtaining Approval for Subdivision; C. Submission Requirements-Subdivision D. Submission Requirements-LotLine

Adjustment: Appendix F. Lot Line Adjustment Application Checklist Legal Notice with full text was available at the Town Offices during normal business hours) (This full text is attached as Addendum #2 to these minutes)

Mr. Smith opened the public hearing, read the proposal and asked for public input. No public input was received.

Mr. Smith explained the purpose of the changes was to further clarify these sections and to give guidance to the lot line adjustment process. The board noted the need to revise and update the lot line adjustment application, specifically relating to signatures of all applicants.

Mr. Fillio made a motion to accept the Subdivision Regulations as amended.

Ms. Belcher seconded. The motion passed unanimously.

#### Public Hearing for Annual Review of Growth Control Ordinance

The board discussed continuing the public hearing.

The board received a letter from the East Kingston Elementary School regarding current and future/potential school expansion.

The board discussed the fact that the board has an impact fee ordinance already written and that a group of members is working on the methodology that the Growth Control Ordinance could still be kept in place. The board also noted that the longer the Town has a Growth Control Ordinance, the more likely it is to be challenged in court. The board discussed what might potential happen when the Growth Control Ordinance is lifted and also recognized the purpose of the impact fee ordinance is to allow the growth to pay for itself. It was noted that correlation of the Impact Fee Ordinance needs to be placed within the Master Plan.

Mr. Fillio made a motion to continue the Growth Control Ordinance until such time as the impact fee ordinance methodology is presented and fully adopted by the Planning Board based on the knowledge that the impact fee ordinance is written and the methodology is in the process of being completed. Information has been received that the school is expecting another expansion based upon the letter received tonight.

Ms. Belcher seconded.

Ms. Carriel noted that the board has a methodology under way. She suggested the board continue the Growth Control Ordinance until the time as such the methodology is adopted by the Planning Board. She noted that is the point when the Ordinance should be rescinded as the Board would be charging the actual impact fee.

Town of East Kingston, NH  
Planning Board 24 Depot Road  
East Kingston, NH 03827  
October 28, 2002

**Notice of Public Hearing  
Full Text of Proposed Changes**

*Zoning Ordinance Change Proposal*

The East Kingston Planning Board will hold a public hearing on Thursday, November 21, 2002 at 9:15 p.m. at the East Kingston Town Hall, 7 Main Street for the following proposed Zoning Ordinance Change:

Zoning Ordinance Amendments-The purpose of this public hearing is to place these Zoning amendments on the March, 2003 Zoning Ballot. The text in bold is being deleted, the text in italics is being proposed as follows:

**Amend Zoning Ordinance Article IX**-Lot Area and Yard Requirements, Sections B.2, B.4 ~~B~~ and B.7 to increase the amount of frontage required for backlot subdivisions.

2. The existing lot of record shall be five acres or more in size and have a contiguous frontage of at least **two hundred forty (240')** *three hundred twenty-five feet (325')*.
4. A backlot shall <sup>have</sup> a minimum frontage of **40 feet (40')** *one hundred twenty five feet (125')* and the remaining lot any future lots shall have the minimum frontage required for the zoning district.
5. The width of the backlot shall not be less than **forty feet (40')** *one hundred twenty-five feet (125')* within two hundred feet of the front lot line.
6. The driveway must be located in the **40 foot one hundred twenty-five foot (125')** area and must access the road on which the back lot has frontage. (Adopted 3/00)

**Amend Zoning Ordinance Article II**-Definitions to add the following:

*Standard Residential Dwelling Unit: All residential dwelling units in the town excluding elderly housing dwelling units constructed under the Elderly Housing Section of the Zoning Ordinance.*

The Growth Management Ordinance will need to be revisited upon the completion of the implementation of the impact fee ordinance. Mr. Fillio advised that the Growth Management Ordinance will need to be reviewed prior to its being rescinded and the implementation of the impact fee ordinance.

No vote was ever taken on the motion that was made and seconded.

The board discussed reviewing the building permit history for the last several years. Mr. Shepherd stated he could provide something to the board regarding the past history. It was noted that seven or eight building permits have been applied for in 2003.

The board discussed continuing the public hearing until the next meeting in order to look at growth rates in neighboring towns, tax rates, and building permit history.

Mr. Smith continued the public hearing until December 19, 2002 at 10:15 p.m.

The board adjourned at 10:45 p.m.

Respectfully submitted,

Susan J. Rice, Secretary  
East Kingston Planning Board

Completed: 11/26/02

Accepted: \_\_\_\_\_