



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

20042005

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

**MINUTES
(Work Session December 2, 2004)**

CALL TO ORDER: Chairman Day called the work session of the East Kingston Planning Board to order at 7:00M.

ROLL CALL: Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman RA Smith, Sr., Mr. R Morales, ex-officio

Alternate members present – Mr. JD Burton, Mr. J. Fillio, Mr. EV Madej,

DESIGNATED VOTING MEMBER: Mr. Day stated that Mr. Burton is the alternate.

BOARD BUSINESS:

CORRESPONDENCE:

Mr. Day noted that Wayne R. Ewald has written the Board of Selectmen a letter expressing his concern about the fire pond that has to be fenced on his property. Mrs. Belcher noted that the alternative to not complying with the requirement to install a fire pond was to install a cistern.

Mr. Day noted a letter from Robert E. Moore to the Planning Board. Mr. Day stated that he called Mr. Moore to be sure he had the distinction between elderly housing and residential and innovative land uses and what the Board can and cannot do. Mr. Day stated that Mr. Moore in his letter proposed that elderly housing be included in growth control, which cannot be done.

Mr. Day stated that Brian Beattie's engineer put together some suggested language for easements and John Daly has that to approve and Jay Stevens still has problems and a copy of these comments were faxed to Mr. Bradstreet (Beattie engineer).

ZONING ORDINANCE CHANGES

Ref: (a) RSA 674:16
(b) RSA 674:21
(c) RSA 675:3

Mr. Day noted the hand out of ordinance change proposals and the Technical Advisory Memo from the RPC and a Hampton Falls ordinance that addresses accessory housing units, which he stated he made it look like an East Kingston ordinance. He noted Carolyn Russell's letter (DES) in response to the Board's request that she look at the single-family cluster residential development ordinance. He added that she has made a lot of recommendations.

Mr. Day also noted a letter from John Daly to Sarah Campbell (Rockingham County Planning Commission) dated November 12, 1997 with regard to the growth control ordinance, which was written before the ordinance was put in place. Mr. Day stated that Mr. Daly's arguments are just as good today as they were six years ago to the extent that the Board should be looking at relaxing these growth controls. He added that if they cannot be shown to be looking to get rid of growth control by virtue of getting the municipal services up to where they can accommodate growth, then the town is challengeable in court because the intentions of the statute will not have been satisfied.

D. Manufactured Housing. Manufactured Housing may be permitted in a cluster development in any residential district provided such housing meets all other requirements of the East Kingston Zoning Ordinance.

E. Minimum Tract Size

Mr. Day stated that Carolyn Russell asked why the Board is limiting cluster housing to 20 acres or more. She wrote in her memo that "Cluster/conservation design can be an effective tool even when applied to smaller parcels." She suggested that 10 acres would work. Mr. Day stated that if they want to encourage the use of this ordinance, then having a smaller parcel requirement could do that. He added that Ms. Russell stated that if there is a smaller parcel, it will still require some open space. Mr. Day stated that presently only 25% is required to be conserved and according to Ms. Russell and Ms. Carriel, the Town should be requiring 50% of a parcel to be conserved.

Mr. Day suggested setting this aside for a later meeting with only deleting Paragraph D.

The next change proposal is:

3. ARTICLE XII – ELDERLY HOUSING

AMEND

B. General Standards:

1. *"...All elderly housing developments shall contain a minimum of 20 acres..."*

3. *"The total number of elderly housing units shall not exceed thirty percent of the total number of standard residential dwelling units in the Town of East Kingston."*

Mr. Day explained that they are trying to save open space and the elderly housing is one way to do it and there has been an explosion of elderly housing. He added that this reflects what might be an imbalance in the attractiveness of other development forms such as cluster housing. He stated that if the Town can make the cluster housing approach more attractive, then the same end might be accomplished. He added that if the degree of difficulty to get an elderly housing development is the same as the degree of difficulty for a cluster development, then there is a greater choice for a potential developer to look at.

Mr. Day stated that he thought developers just ignore the cluster housing because it is too restrictive and it is easier to put in elderly housing. He added that if the elderly housing was harder and the cluster housing was easier, then they become closer in the balance.

Mr. Day stated that there are official 716 residences in town, when all the elderly housing is completed, there will be an additional 153. He added that what the town is being asked to do is find a proportion of elderly housing to residential housing in the whole town. At this point the town is at 21.4%.

Mr. Morales stated that no more than 29 units per development are allowed.

Mr. RA Smith suggested that it is left in place to see if anyone comes in and tries to build under these circumstances. Mr. Day stated that the arguments that he understands that are involved in increasing the minimum acreage requirement have to do with the conservation of contiguous open space, a greater ability to better use the land in terms of placement of structures.

It was agreed that the minimum acre requirement would be increased from 10 to 20 acres.

Mr. Day pointed to the second part of this ordinance change proposal which is to bring the percent of the total number of elderly housing units not to exceed standard residential dwelling units down from 50% to 30%. Mr. Morales stated that elderly housing is not required and they voted it down in Epping. Mr. Burton said that the Town's growth control ordinance becomes subject to attack, and then someone can come in and build whatever they

AMEND by adding a new Paragraph F. to read:

F. Pursuant to RSA 674:21,II, the Planning Board is authorized to require the employment of innovative land use controls where the East Kingston Master Plan supports the, and where standards for use are adopted. Innovative land use controls the Planning Board is authorized to effect by ordinance include, but are not limited to:

- Timing incentives
- Phased development
- Transfer of density and development rights
- Cluster development
- Environmental characteristics zoning
- Inclusionary zoning
- Accessory dwelling unit standards
- Impact fees

HB 761 legislation

Mrs. Belcher stated that she agreed with this proposed amendment as it offers statutory reinforcement to the town's zoning ordinances thus giving the town a stronger position should the ordinance be challenged in court.

Discussion ensued regarding what timing incentives are. It was agreed that Mr. Morales would look into this for the next meeting. It was decided that a public hearing would be held for this.

Discussion ensued regarding Article VIII– Uses Permitted and accessory dwellings and in-law apartments. Mr. Day stated that he would look into getting Bow's ordinance because it was agreed that an accessory dwelling unit should be better defined as to square footage and/or the amount of rooms.

Mr. Day stated that the Board should meet on January 6, 2004 for another work session.

Adjournment: The meeting was adjourned at 9:45 PM

Respectfully submitted,

~~Helen M/Lonek~~
Recording Secretary

Approved 12/16/04