

TOWN OF EAST KINGSTON, NH  
PLANNING BOARD MEETING MINUTES  
December 7, 2000

FILE

WORK SESSION

**Members attending:** Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, John L. Fillo - Ex-officio, Dr. Robert Marston, Beverly A. Fillo, and Alternates Peter A. Riley and David Morse.

**Others attending:** Maura Carriel – RPC Senior Planner, Sukey Farmer, & Charles Grant.

Chairman Smith opened this December 7, 2000 Planning Board Work Session at 7:00 pm where he announced that RPC Planner, Maura Carriel would present the board with a personal introduction.

Ms. Carriel began by saying that she is transitioning from transportation planning and development (from the Midwest) to land use planning here with Rockingham Planning Commission. She indicated that she does not want the board to have an unrealistic idea of what her experience is, or has been, within the land use area. She is very interested in learning more about the subject and is willing to seek the expertise of the Rockingham Planning Commission to address any land use issues that come before the board. She asked that the board be understanding of her current limitation of knowledge on the subject. She expects it to take a couple of months for transitioning into the position. In the meantime, she will bring an experienced land use planner to future meetings as she feels the need.

Members expressed their willingness to assist her in her transitioning period and further stated that after the last meeting, they were thrilled to see her come back.

**Incoming Correspondence:** Chairman Smith acknowledged the following incoming correspondence:

1. Seacoast Region Economic Development Forum – hosted by the RPC to be held December 19, 2000 from 1:30 pm to 4:00 pm at the Exeter Public Library.
2. BMSI – software solicitation
3. Public hearing notice from the Town of South Hampton regarding a subdivision of land owned by Guy Smith.

It was noted that this subdivision concerned a contiguous piece of land located in both South Hampton and East Kingston, though the actual subdivision would take place in South Hampton. The land in East Kingston would not be affected, however, it was not clear whether or not the East Kingston Planning Board would need to hold a public hearing in order for the board to sign off on the proposal. (Because the plan consisted of property in both towns, the Registry of Deeds would require both towns' signatures on the map.) Ms. Carriel would find out the correct procedure and report it to the board.

4. NH Estuaries Project Grant information.

**Sukey Farmer – 97 Giles Road Home Occupation Proposal:** Chairman Smith opened discussion with Sukey Farmer at 7:15 pm regarding a proposal to operate a consulting and financial advisory business from her residence at 97 Giles Road.

Mrs. Farmer explained to the board that she and her husband would like to relocate his business, known as *The Ulysses Group*, from 4 Franklin Street in Exeter to the new addition over their garage. She described the business as a consulting and financial advisory company, which works exclusively in the biomedical and healthcare field. Its focus is to find long term solutions to meet their client's goals by applying their expertise in technology transfer, capital markets, strategic alliances formation and company start-ups. The business is a partnership with the *Ulysses Group Advisors* located in New York.

She continued to explain that clients do not come to the office; her husband goes to them – most of which are overseas. The office is used primarily for phoning, faxing, mailing, etc. and includes a part-time secretary (10 to 15 hours a week) and an individual who works on specific projects out of Dover (this individual is not an employee of the business). She stated that there is no traffic to the business except an occasional UPS or Fed Ex delivery. She then submitted a newspaper clipping regarding a \$200 million deal negotiated by her husband and his business partners.

At the inquiry of board members, Mrs. Farmer stated that the addition to the home consisted of a new garage with a room overhead and has already been constructed. If the proposal is not permitted she said the room would be used for residential purposes. The office would require three phone lines (residential lines as no advertisements of the business are needed), one entrance (part of the

main entrance to the house), electricity, but no running water. The office size is less than 25% of the gross floor area of the home and no signs would be erected. She further stated that the house is not visible from the road.

Mrs. Filio recommended an amendment to the home occupation ordinance that would require a current photograph of the property (both front and back) to document the condition of the property in relation to the visual size of the business. This would help in the enforcement of the ordinance and could also be used to detect illegal expansions of the business. She gave examples of how some business owners describe very small residential-type businesses at the time of their application and swear that the business will not expand, however, within a few years the business has done just that and the board has no recourse to bring them into compliance. By providing a current picture of the property (submitted at the expense of the property owner) the board would have physical evidence to enforce the ordinance. Members applauded this recommendation and agreed to undergo the proper procedures to enact it.

Mrs. Farmer stated that she would be willing to supply the necessary photographs of her property.

After further review of the proposal,

**MOTION: Mrs. Filio motioned to recommend the Board of Selectmen exempt Mrs. Farmer's proposal to operate a consulting and financial advisory business known as "The Ulysses Group" from the permitting process as provided for under Article X.6 based on the Planning Board's findings that the business is invisible. Mr. Johnson seconded. With no further discussion, the motion carried 5-0.**

Mrs. Farmer was then advised that the Board of Selectmen will make the final determination and that she may contact the Selectmen's office to be placed on their agenda. She was also informed that any expansion or change to this business would require her to re-apply with the board. Mrs. Farmer thanked the board and left the meeting at 7:27 pm.

**Growth Control Ordinance:** Chairman Smith opened the public hearing on the Growth Control Ordinance (Article III-A) at 7:30 pm. It was noted that this article would expire at Town Meeting 2001 unless the following occurs:

An annual November review by the Planning Board to determine if the population and growth rate, in conjunction with the CIP, justifies the continued application of the ordinance. If, after making findings, the Board feels that this article is no longer appropriate, it is no longer effective. If, after making findings, the Board feels that this article is both appropriate and necessary to meet the purposes of the ordinance, this article would be effective for another year, when another annual review shall occur. After making findings, the Planning Board may change the number of permits allocated annually based on data received during the year to ensure the purposes of this article.

Discussion then ensued on the number of building permits issued in the year 2000 (13) and those already applied for in the year 2001 (8 already spoken for). Members reviewed the population and housing data prepared by RPC. It was noted that typically such data would include other towns in which the town shares a school district with. This report included the towns of East Kingston, Exeter, Kensington, Kingston, Newton, and South Hampton. Towns sharing the school district include Exeter, Brentwood, Kensington, Newfields, and Stratham. Ms. Carriel would obtain the necessary figures from the towns of Stratham, Brentwood, and Newfields to complete the report.

Members noted that East Kingston is much smaller than the towns of Exeter and Stratham and that it (East Kingston) should be compared to Kingston, Kensington, and South Hampton. They then reviewed the relative percentage of growth of the towns on the report.

It was noted that East Kingston has been working to meet the needs of the town's growth by constructing a new addition to the school, increasing its police patrol, and preparing to purchase updated fire apparatus – the board is accommodating the town's growth. The board is not attempting to stop its growth – just control it enough to be able to accommodate it. The construction of the new middle school and the anticipated construction of a new high school were also noted.

Review of the data report clearly indicates that East Kingston is growing at a higher rate than the other towns included in the report. Members noted available developable land in town where developers could challenge the town's 2% growth control ordinance (Bioteau property, Levis property, and Carter property). The Future Land Use Map was then reviewed noting other developable lands in town.

**MOTION: Pursuant to Article III-A, E, Mr. Filio motioned to continue the application of the Growth Control Ordinance (Article III-A) at its rate of 2% growth for the year 2001 based on the board's findings of the data presented. Mr. Johnson seconded. With no further discussion, the motion carried 5-0.**

**Tuck Subdivision:** The Board noted correspondence from RPC Planner Maura Carriel regarding the RPC's review of the Tuck subdivision plan (14 Forest Drive). The following recommendations were made with the board's actions noted:

1. Note #7 on the plan is missing the reference plan number. – The board agreed this would be required prior to signing the mylar.
2. Note #11 on the plan references an easement deed to Exeter & Hampton Electric Co. but the easement is not shown on the plan. – The board agreed this would be required before signing the plan.
3. The applicant should confirm that the lot numbering has been approved by the Board of Selectmen. – This has been done: the numbers were issued by the Selectmen's office.

Chairman Smith then ordered the recording secretary to notify the Tucks of these requirements. It was noted that the applicants should be notified and not the licensed land surveyors as it is the responsibility of the applicants to do so and that the board does not have the authority to have the plan changed at the expense of the applicant without applicant approval.

**Proposed Zoning and Regulation Amendments:** The board discussed several zoning and regulations amendments as follows:

**ELDERLY HOUSING ORDINANCE:** Continued discussion from earlier meetings transpired regarding the placement of building footprint restrictions on elderly housing buildings. Previously the board agreed that 5,000 square feet was sufficient floor area needed to house elderly housing units, however after reconsideration (hallways and staircases not figured in) the board agreed to amend the figure. Unit sizes were discussed (minimum of 800 square feet – though many members felt that 1,000 square feet would be more suitable), the number of units allowed in a building were discussed (State says over 14 units to a building requires municipal water supply), fire department considerations were discussed (different regulations for single and two-story buildings and 3 or more units per building require sprinkler system), and actual placement of bedrooms on an acre were discussed (maximum of 8 bedrooms per acre). It was recommended that a "definitions" chapter be added to define specific words like "unit" and "dwelling".

Members discussed restricting the number of bedrooms to a building vs. restricting a maximum building footprint size. It was noted that larger buildings could create more open space and would be more economically feasible to developers. Most members felt that elderly housing should be on one floor and that the ordinance needs to be attractive enough to encourage elderly housing over conventional housing or cluster development housing. If the total footprint were regulated, this could let the developer create the layout – it would give more flexibility to the designer.

Townhouse-style units and buildings were discussed. It was agreed that the board must be able to set the standards for the building's aesthetics – rural character could mean different styles to different people (one person's idea of rural character is different from another's). Specific design details must be set forth in the regulations. Apartment-style units and buildings were also discussed. Requiring private front and back door access to each unit might help the building from taking on an "apartment building" style; however, it might promote a motel-looking style.

Other options to regulating a specific footprint size were to limit the number of bedrooms per building or limit how many units per building. Maximum footprint sizes for buildings were considered – some members felt that 10,000 to 12,000 square foot buildings might be acceptable. (At 1,000 square feet per unit, a building could house 10 to 12 units each. If 800 square foot units were built, the building could house more units.) Ms. Carriel agreed to research other town's elderly housing regulations specifically those that set footprint limitations and number of unit limitations per building.

One member stated that because Alternate Member Morse is actively seeking to construct an elderly housing development on his property, he should abstain from discussing his project in relation to these amendments. The board wants to tailor the ordinance to make it more viable, but it does not want to tailor it to Mr. Morse's needs. Discussion regarding conventional housing costs to the town and elderly housing costs transpired. Open space pays, elderly housing pays, and conventional housing costs the town by reason of funding the education of children that live in the conventional houses. Noting the time of this meeting, Chairman Smith tabled this discussion on the elderly housing ordinance until the next meeting (December 21, 2000).

**HOME OCCUPATION:** As discussed earlier in the meeting, the board agreed that the Home Occupation Ordinance should be amended to require the submission of a recent photo of the premises in which the home occupation proposal is sought along with a detailed description of the business. Documentation is the only way to assist the town when businesses expand – as in past cases it has been up to the town to provide evidence that the business has expanded without approval and this photograph could provide that.

Mrs. Fillio will draft the amendment and the Home Occupation application. Chairman Smith stated that in his opinion all home occupation proposals should go through the public hearing process – even the invisible ones.

WETLAND ORDINANCE: It was noted that Article III.E.3 (p.17), Article IV.D.6 (p.7), and Article IV.D.7.A.1 (p.7) give different required distances from very poorly drained soils to septic systems. Apparently when the board adopted the new soils and language data from the State earlier in the year, these articles were erroneously omitted for correction. The correct measurement from very poorly drained to a septic system is 100 feet, thus Article IV.D.7.A.1 must be amended to read:

*There shall be no wetlands that have very poorly drained soils, determined in accordance with Env-W's 100276, 1017.03 and within 100 feet laterally of the proposed system.*

SUBDIVISION REGULATIONS: In an effort to distribute copies of proposed plans to all board members to review prior to meetings thus giving members more information to prepare for those pending hearings, it was suggested that 11x17-inch copies of all proposed plans be submitted along with all formal applications and plans. Members agreed and ordered this amendment be drafted.

A second amendment to be considered was to change the fee structure for all subdivisions to set a minimum application fee of \$40 per application or per newly created lot (whichever is greater). It was noted that applications for lot line adjustments that did not create any new lot, but required 2 to 3 hours of processing by the planning board secretary actually cost the town money. Normally the \$40 per newly created lot fee covers the administrative costs incurred by the town; however, when such fee is not collected the cost incurred will then be at the town's expense. Members agreed to amend the fees as presented and ordered the amendment be drafted.

A third amendment to the Subdivision Regulations to be considered was Section IV.C – *Dead-end or cul-de-sac streets shall not exceed 1,000 feet in length measured from the intersection with existing road to the end of the said street (including diameter of the cul-de-sac). All such streets shall be equipped with a turn-around roadway at the closed end in accordance with Appendix B. In no such case shall a single access street, from an existing State or Town road, serve more than 20 units. (Amended 5/89)*

It was noted that elderly housing developments should be exempt from the 20-unit restriction. Members agreed and Mr. Riley agreed to draft the amendment.

SITE PLAN REVIEW REGULATIONS: As outlined in the Subdivision Regulations amendment to require an 11x17-inch copy of proposed plans to accompany all formal site plan review applications. Members agreed and ordered the amendment be drafted.

**Planning Board Member Status:** Chairman Smith acknowledged the resignation of Alternate Member Bob Nigrello and Vice Chairman Ed Johnson. Mr. Johnson stated that with his busy work and scouting schedule he cannot make all the necessary board meetings. Members asked if he would be willing to remain as an alternate instead of resigning. He agreed. Mr. Fillio added that even alternate members are expected to attend all meetings. Nominations for the vice-chairman position will be placed on the December 21<sup>st</sup> agenda. Chairman Smith then announced that money has been placed in the Planning Board budget for member training in 2001.

**Noise Ordinance:** Members acknowledged a newspaper article regarding Danville's noise ordinance. It was noted that amendments were being considered to address vehicles with loud stereo systems. Though many board members agreed with Danville's actions, they did not feel that all ordinances had to be written by the planning board (the planning board deals specifically with land uses). They said that the selectmen are quite capable of drafting this specific type of ordinance.

With no further business,

**MOTION:** Dr. Marston motioned to adjourn. Mr. Johnson seconded. The motion passed 5-0 and this December 7, 2000 Planning Board Work Session ended at 9:51 pm.

Catherine Belcher  
Secretary

Minutes completed and on file December 11, 2000.

Approved: 12/21/00