



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2006-2007:
James Roby Day, Jr., Chairman
Catherine Ellen Belcher, Vice Chairman

MINUTES

(Public Hearing Minutes of 14 December 2006)

AGENDA:

- 6:30PM - **Board Business**
- 6:40PM - **Public Hearing** for a new Zoning Ordinance proposal to adopt a newly written Article II-A – Town Center District.
- 8:00PM - **Continued Board Business**
- 8:40PM - **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 6:35PM.

ROLL CALL: Mrs. White called the roll.

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

It was noted that alternate member Mr. EA Lloyd, Jr.; Mr. RR Donald, East Kingston Building Inspector; Mr. A Conti, East Kingston Fire Captain; Mr. LK Smith, Chairman, East Kingston Conservation Commission; and Dr. JR Robinson, PhD, Senior Planner, Rockingham Planning Commission (RPC) were not present. Mr. Day noted that there was a quorum of voting members.

BOARD BUSINESS:

Minutes. Mr. Day suggested that review and voting on the November 9 and November 16 minutes be postponed until the December 21st meeting; the Board members agreed. Mrs. Belcher submitted changes to the minutes to Mrs. White.

Mr. Day went over the handouts with the Board.

21 December 06 Agenda. Mr. Day noted that the first item on the agenda is the Elderly Housing annual review, and a quick assessment of the updated numbers. The second item on the agenda is the Public Hearing for Industrial Tower, which will be contingent upon the decision of the 19 December 06 Zoning Board of Adjustment meeting.

Warrant Articles. Mr. Day announced that the warrant articles were due to the Selectmen's assistant by 21 December. He handed out copies of the amended articles, and also distributed a copy of the proposed Planning Board Report for the Town Report. He asked the Board to review these documents and submit any comments to him before final submission.

Master Plan Community Profile Chapter. Mr. Day stated that he and Mr. Glenn Greenwood, RPC, had met to review the information in the Community Profile chapter. Mr. Greenwood will make all the necessary changes and return a finalized copy in time for public hearing at the January meeting.

Cell Tower application. Mr. Day stated that he had distributed more information to the Board members pertaining to the cell tower application, including two replacement pages for the comments/concerns for the abutters' summary.

Mr. Ford's application. Mr. Day announced that Mr. Ford had submitted his application to be considered for his storage plan, and that Mr. Ford had graciously agreed to be put on the agenda for the January hearing as the December agenda was quite full.

Town Engineer's notes. Mr. Day verified everyone had received Mr. Stephens' notes pertaining to cutting slopes. Mr. Stephens had not wanted to make a unilateral decision himself to accept the modification, as the Planning Board might want to require the applicant to come back before the Board due to the change. Mr. Day had spoken to Mr. RR Donald, Building Inspector, and Mr. LK Smith, Conservation Commission Chairman, in reference to the modification, and both Mr. Donald and Mr. Smith thought the plan acceptable as presented. The general consensus was that if two subject matter experts, along with Mr. Stephens, had agreed the change was reasonable, then there was no reason for the contractor to come back before the Board. Mr. Day would relate that decision to Mr. Stephens.

SR Section VI procedures – Mr. Day passed around the signature sheet for the Subdivision Regulations Section VI changes from the last meeting. It was signed and will be presented to the Town Clerk.

Jason White. Mr. Jason White, contractor for Winslow Woods, had contacted the office in regard to a question pertaining to his subdivision and a public hearing. Mrs. White reminded Mr. Day that Mr. Jason White had wanted to change the name on the paperwork to his company name (which Mr. Day had said was an administrative change), and downsize the size of the houses he would build, which he thought needed a hearing since it was a condition of approval. Mrs. White stated that Mr. Jason White was going to provide the Board with a copy of his intentions either before this meeting or the next, so the Board would have time to review the information. Mr. Day was a little confused about Mr. Jason White's house size question, as the Board does not lay any requirements on cluster developments as to house size.

PUBLIC HEARING FOR A PROPOSED ZONING ORDINANCE ARTICLE III-A – TOWN CENTER DISTRICT

Mr. Day opened the public hearing.

Mr. Day explained that the plan encompasses the defacto Town Center of East Kingston and proposes to allow land-owners within the defined area to use their properties in more than one way. Presently, except for the commercial and industrial zones, only single use is permitted. This article is intended to encourage development and to draw people into the Town Center, while discouraging sprawl development in other areas that could be encompassed into the Town Center. At one time, the Town of East Kingston had three different, distinct Town Centers.

Mrs. Belcher acknowledged it gave those within the designated Town Center area the option for multiple uses for their properties, which could include multi-family renovation. She also stated that the Town has always wanted to encourage commercialization in certain areas, but that the current commercial areas offered were not instituting it. A more logical place for commercial entities would be on a well-traveled State road.

Mr. Day interjected that presently, Jewett's General Store was a grand-fathered use. With the new article in place, Mr. Jewett would be able to do more creative things with his property, where it is restricted at the present time.

Mr. Morales agreed with both Mr. Days ' and Mrs. Belchers' statements and thought it would be a win-win situation for the Town.

Mrs. Belcher stated she thought the Board had been careful and considerate about the limitations and boundaries of the area, fair in the layout, and did not encourage commercialization along the entire length of Route 107.

Mr. Day confirmed that Town Counsel had looked the Article over and thought it workable. There was a question in regard to the proposed appendix of house styles and the ability to change, update, add to it or delete it. Mr. Day stated it was informational only and there was no action effect on the ordinance from the appendix. Mr. Morales offered that the intent of the appendix was to give some examples of the typical types of houses found throughout Town. Mrs. Belcher asked if the appendix was also going to be added to the Master Plan and Mr. Day agreed it would be.

Mr. Day stated he had spoken to all the homeowners of the houses depicted in the appendix but one for their permission to include them and they were all pleased to be included. He would try to contact the last person for consent.

Mr. Day opened the floor for comment.

Carolyn Sullivan, 77 Giles Road, East Kingston. Mrs. Sullivan wanted to know if the Town Center ordinance would encourage homeowner's to sell their land to businesses such as Dunkin' Donuts, Rite Aid and Walgreen's to build there. Mrs. Sullivan also wanted to know how such businesses could be stopped if it was made a commercial zone.

Mr. Day replied that part of the proposed Town Center was already a commercial zone and if Dunkin' Donuts wanted to build there, the Town would be hard-pressed to stop it. The Town could, however, institute regulations to be adhered to. He explained that the Board had been careful in the general standards for the Town Center District as to the architectural styles and fenestration, and any proposal would need to pass close criticism and examination.

Mr. Morales explained that all the lots were undersized, being less than two acres.

Mrs. Sullivan asked if multiple uses could include an apartment. Mr. Day answered that it could, but that a landowner would need to come before the Board with a plan to be approved. Mrs. Sullivan also asked if the Board was going to be very careful so as not to end up with brick apartment buildings.

Mr. Day assured Mrs. Sullivan that the Board would be very cautious in that respect. He explained that there were serious restrictions on the nature of buildings within the Town Center District, addressing fenestration, the height of the buildings, parking and lighting which would also disallow warehouse-looking type of buildings.

Mr. Morales stated that the new article could allow Mr. Jewett to expand and put a Dunkin' Donuts inside, ending up with a store-within-a-store.

Mrs. Sullivan asked about the septic systems for houses that might want to have multi-family living on their property. She wanted to know if they needed to have "real" septic systems or if they could get by with the 100-year old septic systems that were original to the property by being grand-fathered.

Mr. Day answered that health questions could not be grand-fathered and the property owner would have to meet all current standards for the septic system for the property if the use was changed.

Mrs. Belcher stated that regardless of what is allowed, the ordinance does not supercede the requirements for setbacks, septic systems, etc.

Mrs. Sullivan recounted a similar situation in Raymond where multi-family housing was allowed, and because there were so many cars per building, cars were parked on the front lawn. She wanted to know if the Board could assure that that would not happen should the Town Center District ordinance be passed; could they state that only 2 cars per unit be allowed.

Mrs. Belcher answered that the regulations would not permit parking in front of the buildings on the lawn or in the road. The Board was very cautious in being able to restrict such activities. Mr. Day referred Mrs. Sullivan to Paragraph H.10. – Parking.

Mr. Morales stated that any ordinances and regulations would still need to be met, which included septic and electrical systems, etc. The Town Center District ordinance would not supercede any existing building codes and ordinances.

Mrs. Sullivan asked what the inspiration was for changing the Zoning in the Town Center District, and wanted to know if there were many people asking to have businesses downtown.

Mr. Day assured her that the Town Center District was part of a comprehensive plan and there was no pressure from any entity whatsoever. The Town Center District was strictly an attempt to fulfill the goals of the Master Plan.

Mr. Morales explained that a Town Center was one of the things the people wanted to see as part of the visioning workshops with the citizens of East Kingston held at the elementary school last year. Mr. Day added that the citizens wanted to see a traditional New England Town preserved.

Mr. Day explained that a few years back, New Hampshire had instituted a Main Street project, offering State funds to individual communities to develop and preserve their downtowns. He and the Conservation Commission Chairman had stated that East Kingston wanted to participate, and they were told that East Kingston did not have a well enough defined Town center to qualify.

Mr. Belcher explained that the development of a distinct Town Center District was a direct result of the visioning sessions that had been described by Mr. Morales, and included creating more non-industrial type of commercial activity within the Town Center area.

Mr. Tom Dube, Wakefield, NH. Mr. Dube commented that the Town Center District ordinance must be a good one if there were only two people at the meeting to ask questions about it. He thought it a good idea to keep the older style neighborhood.

Diane LeClair, 1 Depot Road, East Kingston. Mrs. LeClair stated she had read the proposal and was not crazy about the idea of living in a controlled environment. She wanted to know how the proposed Town Center area was selected over the other centers mentioned, and how different did the Board expect it to look from what it looked like now.

Mr. Day stated that East Kingston was faced with inexorable growth and development. The growth could not be stopped, but the State does allow the Town to control it in the ways they would like to see it happen. One of the things that looms large on the New Hampshire radar scope is the traditional New England Town Center. The Board is looking to preserve what the Town has and foster what occurred naturally 150-200 years ago, when the area was a thriving Town Center. The Board is trying to provide a means by which people can use their land the way they did 100 years ago, which might take development pressure off the rest of the town.

Mrs. LeClair asked for an explanation of what was meant by grand-fathering. Mr. Day said for example, Mr. Jewett's General Store was a grand-fathered use. It could do nothing beyond the bounds of the original structure under the current ordinance.

Mrs. LeClair said she realizes she lives in a commercial zone, as do several contractors who live in the area, and wanted to know if the ordinance would mean that those contractors would not be able to park their trucks in their own driveways.

Mrs. Belcher explained that Mr. LeClair was misunderstanding the parking concern; it had nothing to do with people parking their vehicles in their own driveway. Parking in the rear was if someone established a retail business on their property such as a bed-and-breakfast, for example; it would allow the current look to remain the same. Parking on the road would not be allowed, and the commercial look would be at the rear of the property.

Mrs. Belcher said there were not too many changes anticipated to the present look, and what changes may be presented would need to conform to current codes and ordinances. Businesses that were not in conformance with the country style Town Center the Board was encouraging would not be allowed, such as tractor sales with rows of tractors parked along the road.

Mrs. LeClair thought that that people took care of their properties in that area of the Town and it looked nice. She asked if she needed to worry about changes in the grand-fathered rights her property has now.

Mr. Day explained that she would be able to do more with her property than she could at the present time, and that multiple use was the key word. She would be able to have her Realtor Business there, and have a bed-and-breakfast upstairs, if she wished.

Mrs. LeClair stated she was thinking down the road in case her mother fell ill and she needed to have an in-law apartment. Mr. Morales told her that she already could do that, as they had passed that ordinance last year.

Mr. Day read from the ordinance, "There is overlap of the Town Center District with the northerly portion of the Commercial District on Haverhill Road, however, no functional conflicts are manifest. Where differences in permitted land use in the areas which overlap appear, the less restrictive provisions shall apply."

Mr. Day assured Mrs. LeClair that nothing would change for her as she is in the commercial zone, but the folks down the road would be able to have a boutique, bed-and-breakfast, or take in boarders.

Mr. Smith asked where 4-unit apartments would be built, and Mrs. Belcher explained it could be within an existing house, or anywhere there was a large enough piece of land, but would still need to look like a house.

Mr. Day stated it was conceivable that any landowner could level what presently existed on his land and put up something else instead, but it would still need to conform to the present regulations and ordinances.

Mr. Smith asked if someone had 300 feet of frontage on Depot Road, how would they subdivide it to conform to the Town Center District idea. Mr. Morales answered that a conforming lot could not be made into a non-conforming lot. They could use the existing lot and change the use, but not change the size.

Mr. Day referred Mr. Smith to Paragraph I. -Dimensional Requirements, and Paragraph J. - Multi-family dwellings and Mrs. Belcher stated that only the setbacks were changed, not the lot size.

Mr. Day stated that there were a handful of undersized lots within the area, and that the ordinance would allow a landowner to expand an existing structure.

Mr. Morales noted that under the current regulations, anyone who had a regular sized lot could subdivide if they wished.

Mrs. LeClair asked if only the styles of houses shown in the attached pictures could be built for new construction, and Mr. Day explained that the pictures were only examples of architectural styles found within the Town.

Mrs. LeClair also asked if State approval was necessary if sidewalks were going to be required. Mr. Day answered that in some instances where the lot size was small, sidewalks may not be feasible, but could be if the lot was large enough.

Mr. Day closed the floor to abutters.

Mr. Day entertained a motion to place the Town Center District Ordinance on the ballot as a Warrant Article.

MOTION: Mrs. Belcher **MOVED** to place proposed Article III-A - Town Center District Ordinance, as presented, on the March 2007 ballot as a Warrant Article. Mr. Morales seconded, and the motion passed unanimously

Mr. Day closed the public hearing.

Mr. Day passed around the cover sheet for signature.

CONTINUED BOARD BUSINESS

ZBA Meeting next Tuesday. Mr. Day reported that he and Mrs. White had gone to the school to direct them how to set up the room for the meetings next week. Mr. George will get everything ready and Mr. Day will check to make sure everything is set up as required.

Planning Board Meeting next Thursday. The Planning Board will conduct their meeting regardless of the outcome of the ZBA decision. If the ZBA decision is yea, the Planning Board will move forward with the hearing. If the ZBA decision is nay, then they will have to deny the application.

Growth Control Ordinance. Mrs. Belcher thought the Growth Control Ordinance was very well-explained, and asked if a statement could be made to let the public know that the proposed version would be replacing the current version, so they don't confuse it with the one that had already been put into place. Mr. Day agreed.

Ballot. Mr. LK Smith, Conservation Commission Chairman, had suggested that although the text of the two large ordinances would be published in their entirety in the Town Report, they should be summarized on the ballot to conserve space since the Town was going to the new electronic voting system. The Board concurred.

Mrs. Belcher offered the suggestion of having copies the Town Report available for people to read when they came to vote, or printed out in large font and posted on the wall where people could read it as they waited their turn in line to vote. Mr. Morales agreed.

Mr. Dube. Mr. Dube's main reason for attending the meeting was to find out what he needed to do in regard to bonding the road for the development he bought from Cook-Sullivan. The Building Inspector had been at his site today and told him that he needed to have bonding for the road, and that he would probably have to shut him down tomorrow if he did not have it. Mr. Dube had been to the Town Offices earlier today, and upon finding it closed, had seen the notice for the meeting tonight and decided to attend to ask his questions.

Mr. Day told Mr. Dube he was certain it was a condition of approval that bonding be in place. He further explained that the Planning Board could not help him with that question, and that the Selectmen were in charge of road bonding. Mrs. Belcher offered that perhaps phased bonding of the road could be instituted.

Mr. Morales stated that the next Selectmen's Meeting was on December 26th, and that Mr. Dube should go to the Selectmen's office the next morning ask the Administrative Assistant to put him on the agenda for that meeting. There was a chance that his question might be answered without attending a meeting, and suggested Mr. Dube also check with the Administrative Assistant, who might be able to get the figures for the bonding amount from the Town Engineer.

Typically, a bond is required for a road to make certain it is built to the Town's standards, and the Selectmen would rely on the Town Engineer to recommend what the bonding should be.

Mr. Dube thanked the Board for their time.

ADJOURNMENT:

MOTION: Mr. Morales **MOVED** the Planning Board adjourn. Mrs. Belcher seconded, and the motion carried unanimously at 8:40PM.

Respectfully submitted,

Barbara A. White
Recording Secretary

James R. Day, Jr.
Chairman

Minutes approved December 21, 2006