



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

20042005  
James Roby Day, Jr., Chairman  
Richard A. Smith, Sr., Vice Chairman

**MINUTES**  
(Regular Meeting and Public Hearing of December 16, 2004)

**AGENDA:**

7:00PM – **Call to Order and Board Business**

7:15PM – **Public Hearing** – for proposed change recommendations for Zoning Ordinance Article VII – General Provisions; Article XI – Single-Family Cluster Residential Development; and Article XII – Elderly Housing.

7:30PM – **Continued Public Hearing** – for Brian Beattie/Wayne Ewald, 16 North Road subdivision, MBL 14-3-10 (EKP#04-OD), in regard to an amendment to an approved subdivision plan (PB#03-09) for construction of a 35,000-gallon fire pond.

8:00PM – **Public Hearing** – Home Occupation permit for Sharon Marston, 50 Giles Road (MBL#17-2-5) to conduct business involving pottery/art sales.

8:15PM – **Public Hearing** – for John and Brooke Petrucelli, 10 Burnt Swamp Road (MBL#10-6-3) and Richard E. Gordon, 4 Burnt Swamp Road (MBL#10-6-4) for a lot line adjustment (PB#04-02).

8:45PM – **Public Hearing** – Home Occupation permit for Deborah Feather, 64 Depot Road (MBL#8-1-3) to conduct business involving crafts, antiques and folk art.

9:00PM – **Public Hearing** – for a proposed subdivision plan of William R. and Deborah A. Osgood, 148 Haverhill Road (MBLs 10-1-1 and 11-1-2) (EKP#04-03).

9:30PM – **Public Hearing** – for a proposed Zoning Ordinance to establish an East Kingston Conservation District Overlay, and a proposed change to Article IX – Lot Area – Yard Requirements to allow accessory dwelling units in residential dwellings.

10:00PM – **Adjournment**

**CALL TO ORDER:** Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

**ROLL CALL:** Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Dr. RA Marston, DVM, Mr. R Morales, ex-officio  
Alternate members present – Mr. EV Madej, Mr. J. Fillio, Mr. JD Burton  
Advisers present – Ms. Maura S. Carriel, Rockingham Planning Commission (RPC) Senior Planner; Mr. LK Smith, Chairman, East Kingston Conservation Chairman; Fire Captain Andrew Conti, East Kingston Fire Department, Building Inspector, Raymond Donald

**Designated Voting member** – Mr. Day noted that this month Mr. Fillio is the designated voting member.

**BOARD BUSINESS:**

**Minutes–**

**MOTION:** Mr. Fillio **MOVED** that the Board accept the minutes of the November 18, 2004 meeting as presented. Mr. Morales seconded and the motion carried unanimously.

**MOTION:** Mr. Morales **MOVED** that the Board accept the minutes of the December 2, 2004 work session as corrected. Mrs. Belcher seconded and the motion carried unanimously.

**Action/Information Items –**

**Agenda Revision** -- Mr. Day stated that the published Agenda is different from the one the Board has received because the last public hearing for zoning ordinances has been dropped out.

Mr. Day had the Board members sign the hearing form for the Floodplain development so it can be recorded with the Town Clerk.

**Storm water Workshop** – Developing construction and post construction programs. Mr. Day stated that this is a how-to workshop for storm water phase II communities, January 21, 2005, Peverly Hill Road, Portsmouth 8AM–3:30PM. Mr. Day read: “For construction activities that disturb one acre or more, these communities are required to develop, implement and enforce program to prevent erosion, etc...”

**Correspondence –**

**Affordable Housing in New Hampshire workshop** – one day seminar designed for attorneys, presidents, housing officials, planning and zoning board members, engineers, etc., January 18, 2005, Manchester.

**PUBLIC HEARING – FOR PROPOSED CHANGE RECOMMENDATIONS FOR ZONING ORDINANCE ARTICLE VII – GENERAL PROVISIONS; ARTICLE XI – SINGLE-FAMILY CLUSTER RESIDENTIAL DEVELOPMENT; AND ARTICLE XII – ELDERLY HOUSING**

Mr. Day opened the public hearing.

**Article VII – General Provisions**

**AMEND**

**a. INSERT a new paragraph after paragraph D. to read:**

*“E. Pursuant to RSA 674:35, I., the Planning Board is authorized to require preliminary subdivision review. The subdivision regulations regarding the requirements of such review are to be prepared and adopted by the Planning Board.”*

Mr. Day stated that the Article VII– General Provisions change recommendation comes from what the legislature put in House Bill 761 in 2004 and it authorizes the Planning Board to require preliminary subdivision review. He added that the subdivision regulations regarding the requirements of such review are to be prepared and adopted by the Planning Board. He stated that this gives the Board the authority to require preliminary subdivision review. He stated that this would make a requirement of any applicant coming before the Board to come before it first and discuss their plan before an application is submitted so time and money is not wasted.

Mr. Morales read from information he received from a course he attended, “An innovative land use control adopted under RSA 674.16 may be required when supported by the master plan and shall contain within it the standards which shall guide the person or board which administers the ordinance.” Mr. Day stated that regardless of what type of an application is submitted for subdivision or site plan, that the Board would be able to require a Discussion Only or preliminary review. He added that this is only for subdivisions as the legislature did not do it also for the site plan portion, but they will get around to doing that.

Mr. Day opened the floor for public comment, of which there was not and he closed the floor.

**MOTION:** Mr. Morales **MOVED** that the Board put the Article VII– General Provisions change recommendation on the ballot for Town Meeting. Mrs. Belcher seconded and the motion carried unanimously.

**b. INSERT a new paragraph after paragraph D. 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 them, and where standards for the 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*

Mr. Day stated the second part of this change recommendation also refers to HB 761 where the Planning Board would be authorized to require the employment of innovative land use controls where the East Kingston Master Plan supports them, and where standards for the use are adopted.

Mr. Day stated that this is not an all inclusive list. He stated that it is part of the list that already exists in 674:21 II and what was done is identify those innovative land uses that are presently being used or have thought about being used in the future.

Ms. Carriel suggested that these two change recommendations be separate because they are separate concepts and they don't require each other for either one to be adopted. Mr. Day agreed and they would be considered separately. Mr. Day read counsel's advice: "I've reviewed the proposed Amendments to the East Kingston Zoning Ordinance and find them in good order, with one comment. In new paragraph "F", the phrase, "...Require the employment of..." just before 'innovative land use controls' does not seem correct to me. What you are doing I believe is authorizing the planning board to 'adopt' innovative land use controls."

Mr. Day opened the floor to public comment, of which there was none and closed the floor.

**MOTION:** Mr. Morales **MOVED** that the Board put the Article VII – General Provisions change recommendation on the ballot for Town Meeting. Mrs. Belcher seconded and the motion carried unanimously.

#### **Article XI – Single-Family Cluster Residential Development**

**DELETE** paragraph D, which reads:

*"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."*

Mr. Day stated that the difficulty for the Board here was that in Article VIII – Uses Permitted, "The grouping together of manufactured or pre-site built housings in a manner which creates the type of development traditionally known as a 'manufactured housing park' is specifically prohibited." (Adopted 3/91) Mr. Day stated that this conflicts with the provision in question. He added that it was the Planning Board's intention to allow manufactured housing on standard house lots but not in a cluster environment.

Mr. Day opened the floor to public comment, of which there was none and closed the floor.

**MOTION:** Mr. Morales **MOVED** that the Board put the Article XI – Single-Family Cluster Residential Development change recommendation on the ballot for Town Meeting. Mrs. Belcher seconded and the motion carried unanimously.

#### **Article XII – Elderly Housing**

**AMEND paragraph B. General Standards: 1. to read:**

- “1. Elderly housing development shall be permitted only in the Residential/Agricultural zoning district. All elderly housing developments shall contain a minimum of *twenty (20)* acres and shall have at least fifty feet (50’) of frontage on a public road.”

Mr. Day stated that the only change in this is going from 10 to 20 acres to bring it more in line with the cluster housing as well as to create greater opportunity to conserve open space and protect the environment and provide a greater flexibility for structure placement in a given parcel.

Mr. Day opened the floor to public comment, of which there was none and closed the floor.

**MOTION:** Mrs. Belcher **MOVED** that the Board put the Article XII– Elderly Housing change recommendation on the ballot for Town Meeting. Mr. Fillio seconded and the motion carried unanimously.

Mr. Day closed the hearing.

CONTINUED PUBLIC HEARING—FOR BRIAN BEATTIE/WAYNE EWALD, 16 NORTH ROAD SUBDIVISION, MBL14-3-10 (EKPB#04-OD), IN REGARD TO AN AMENDMENT TO AN APPROVED SUBDIVISION PLAN (PB#03-09) FOR CONSTRUCTION OF A 35,000-GALLON FIRE POND

Mr. Day opened the public hearing.

Mr. Steve Bradstreet appeared for the applicant, Mr. Brian Beattie.

Mr. Day read from the fax received from counsel, “They will need to have an attorney draft appropriate easement deeds, including an easement for the Town to access the fire pond for purposes of inspection, maintenance and repair, as needed, in the Town’s sole discretion.”

Mr. Bradstreet went through the items that were outstanding after the last meeting:

1. Fire pond maintenance language. Mr. Bradstreet stated that he drafted and sent this to Town Counsel. He said that he spoke with Town Counsel and was told to e-mail his maintenance language and Town Counsel would revise it. He added that he had not heard back from Town Counsel.
2. Letter from the Fire Chief regarding their acceptance of the fire pond design. Mr. Bradstreet stated that he has been unable to get this letter
3. Civil Consultants’ comments. Mr. Bradstreet stated that they have addressed these comments on the plans
4. NHDOT driveway location permit. Mr. Bradstreet stated that this has been received.
5. A fence surrounding the pond. Mr. Bradstreet stated that a security fence has been shown on the plans with a note indicating that it shall meet with the fire department's approval.
6. Mr. Bradstreet stated that it will be stamped by the licensed land surveyor for recording in the registry.

Mr. Bradstreet stated that the only two things that are still outstanding are the fire pond design approval letter from the fire department and the fire pond maintenance language from Town Counsel.

Mr. Day stated that in addition to the plan notations, there has to be something attached to the property deed as well to be sure that there is a connection between the plan and the property deed.

Mrs. Belcher asked about the Town’s liability if the pond is not maintained properly. Mr. Day stated that he has spoken to Town Counsel and it is his belief that if the deed language is correct and what goes on the plan is correct, then the Town would not be held liable.

In regard to the fencing, Mr. Bradstreet stated that he wanted to know what type of fencing is required since there is no ordinance requiring fencing around ponds. He asked for the Board's input as to what the Town would want. Mr. Donald stated that his opinion was that it should be a similar fence type to the ones required around a pool. Mr. Conti agreed that they should use the pool requirement as long as it meets the safety requirements. Mr. Bradstreet suggested a 4-foot white picket fence, if that is acceptable and would be put on the plans. Mr. Day suggested putting in white picket and/or chain link.

Mr. Day opened the floor to abutters, of which there were none and he closed the floor.

Mr. Day noted his list of conditions for approval. He asked Mr. Conti about the fire department's letter and Mr. Conti stated that he knew they were going to provide one, but he didn't know when it would be available.

Ms. Carriel added two more conditions: DOT driveway permit # should be put on the plan and the plan should be amended to reflect conformance with State pool fencing requirements.

There were seven conditions of approval:

1. Fire Department letter of approval for suppression system.
2. Review and approval by Town Counsel of all easement language to be placed on the recordable plan and property deed.
3. LLS stamp and signature on final plan for recording.
4. DOT driveway permit # placed on plan.
5. Plan to be amended to reflect conformance with State pool fencing requirements.
6. All fees and charges due the Town in connection with the subdivision, 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 be fully discharged.
7. Final mylar to be submitted to the Board for Chairman signature and recording.

**MOTION:** Mrs. Belcher **MOVED** that the Board approve the application for site plan review with the seven conditions noted. Mr. Morales seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING—HOME OCCUPATION PERMIT FOR SHARON MARSTON, 50 GILES ROAD (MBL#17-2-5) TO CONDUCT BUSINESS INVOLVING POTTERY/ART SALES

Mr. Day opened the public hearing.

Mr. Day noted that Dr. Marston is an abutter, therefore Mr. Madej would be the voter.

Mr. Day read the definition: "A Home Occupation is a professional or service occupation or business carried out from the home which is clearly accessory and subordinate to the residential use of the property." He added that if the owner moves, the home occupation does not go with the property. He explained that ultimately the Board of Selectmen make the final decision.

Ms. Marston stated that she has a small studio in her basement with a small showroom and she is planning on having "Open Houses" four or five times a year for holidays. She added that she is also open by appointment. She stated that she makes functional pottery, ie., bowls, plates, mugs. She stated that there is a kiln involved. She stated that it is placed far enough away from the walls. Mr. Conti stated that as long as it is installed according to manufacturer's specification, he didn't see an issue with it and the electric ones are self-contained.

Mr. Day stated that he thought this would fall into the #9 Category, Art, craft, hobby, and antique shops. Mr. Day went through the standards that have to be met, and the business appeared to do that. He noted that she was going to ask the Selectmen for a 2'X2' sign. Mr. Fillio noted that any expansion beyond what is currently proposed has to come before the Board.

Mr. Day opened the floor to abutters, of which there were none and closed the floor.

**MOTION:** Mrs. Belcher **MOVED** that the Board recommend approval to the Board of Selectmen of the Home Occupation of Sharon Marston because it conforms to the ordinance. Mr. Fillio seconded and the motion carried unanimously.

Mr. Day stated that Mrs. Marston will have to pay \$25 annually to the Board of Selectmen after she is approved.

Mr. Day closed the public hearing.

PUBLIC HEARING—FOR JOHN AND BROOKE PETRUCELLI, 10 BURNT SWAMP ROAD (MBL#10-6-3) AND RICHARD E. GORDON, 4 BURNT SWAMP ROAD (MBL#10-6-4) FOR A LOT LINE ADJUSTMENT (PB#04-04)

Mr. Day opened the hearing.

Mr. Dennis Quintal appeared for the applicants. Mr. Quintal showed where the two parcels are located and what they want to do through a lot line adjustment is transfer approximately one acre of land from the Petrucelli's to the Gordon's.

Mr. Quintal went through Ms. Carriel's review. He stated that he changed the calculations for Mr. Petrucelli's lot size since you cannot count very poorly drained soils for lot size, and to make certain the land that is being minimized has enough land area to meet zoning requirements. He added that he took the original area subtracting off Parcel "A", which gives a total of 3.63 acres for the total area, and to prove that they meets zoning, he took off the very poorly drained 52,957 feet, he ended up with 2.42 acres.

The next item on Ms. Carriel's review is that the approved plan for the existing Lot 10-6-3 shows a 4,000 septic reserve area which is located within what is referenced as Parcel A on the November 2004 plan. Mr. Quintal stated that if the existing septic system was ever to fail, there is a replacement area.

The next item was "New lot lines are shown, therefore the plan needs to be stamped by a Licensed Land Surveyor. A Certification of Monumentation is required prior to final approval. Mr. Quintal stated that he would stamp the mylar. Mr. Morales stated that the well appears to be in what is described as "poorly drained soil" and Mr. LK Smith stated that it is legal.

Ms. Carriel stated that the subdivision regulations require test pits to prove a 4K area and it requires at least two in the 4K area no closer than 50 feet. She stated that the Board would either have to require it or waive it. Mr. Quintal stated that in this case it is an existing lot of record and this is looking at a replacement if something fails. Mrs. Belcher stated that she would consider a waiver because these are pre-existing homes.

Mr. Day opened the floor to abutters, of which there were none and closed the floor.

Mr. Day stated that the Board will ask for a waiver request as a condition of approval. Mr. Quintal submitted a waiver request to Subdivision Regulations Section VII, paragraph T with regard to test pit requirements and it is to be noted on the plan.

**MOTION:** Mrs. Belcher **MOVED** that the Board accept jurisdiction on the lot line adjustment plan for MBLs 10-6-3 and 1-6-4. Mr. Fillio seconded and the motion carried unanimously.

**MOTION:** Mrs. Belcher **MOVED** that the Board grant a waiver from Section VII, Paragraph T regarding test pit requirements based on both properties being pre-existing lot with adequate acreage to accommodate replacement of both well and septic and the Board's knowledge of the consistency of soils. Dr. Marston seconded and the motion carried unanimously.

Mr. Day stated the conditions of approval:

1. Waiver request
2. Licensed Land Surveyor stamp and signature on final plan.
3. Certificate of Monumentation signed by Building Inspector.
4. All fees and charges due the Town in connection with the subdivision, 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 be fully discharged.
5. Final mylar to be submitted to the Board for Chairman signature and recording.

**MOTION:** Mr. Morales **MOVED** that the Board conditionally approve the lot line adjustment of Messrs. Petrucelli and Gordon. Mr. Fillio seconded and the motion carried unanimously.

Mr. Day closed the hearing.

PUBLIC HEARING—HOME OCCUPATION PERMIT FOR DEBORAH FEATHER, 64 DEPOT ROAD (MBL#8-1-3) TO CONDUCT BUSINESS INVOLVING CRAFTS, ANTIQUES AND FOLK ART

Mr. Day opened the hearing

Deborah Feather appeared before the Board as the owner of Frills & Furbelows at the old post office. Ms. Feather stated that she is planning on relocating her craft and antique business to where Dudley's is presently. She added that she has a purchase and sales agreement with the Dudley's at 64 Depot Road. She stated that the total area is 6,156 square feet and she plans on using 1,900 sq. ft. floor area. Mrs. Belcher stated that they are allowed to use 50% of the total square footage because it is on a state road. Mrs. Feather stated that she sells mostly crafts and New England-made products and her husband does hand-made items. She added that she carries Christmas ornaments and linens. She added that there are no large deliveries, only UPS or FedEx. She said that this is not a high traffic business

Mr. Day explained the procedure that the Planning Board hears the application and makes a recommendation to the Selectmen, who make the final decision.

Mr. Day went through the standards, which were all met. According to the standards, Mrs. Feather stated that it would fit into No. 9. Art, craft, hobby and antique shops. Mrs. Feather stated that she would put up the permitted sign. There is no commercial vehicle and there is plenty of parking area. Mrs. Feather stated that she would be utilizing the whole barn area. She added that she might consider having classes. Mrs. Feather was advised that should she decide to start conducting classes on the premises, she would be required to come back before the Board for approval. Mr. Morales calculated the total square footage against the square footage to be used for the shop and it came to 38%, which is acceptable.

Mr. Day opened the floor to abutters, of which there were none and closed the floor.

**MOTION:** Mrs. Belcher **MOVED** that the Board recommend the Board of Selectmen approve this application for a home occupation as an art, craft, hobby, antique shop. Dr. Marston seconded and the motion carried unanimously.

Mr. Donald stated that the Board of Selectmen would not be able to grant a permit until the property is transferred into Mrs. Feather's name. Mrs. Feather stated that she did not want to go ahead and purchase the house before making sure the business would be permitted.

Mr. Day closed the public hearing.

PUBLIC HEARING—FOR A PROPOSED SUBDIVISION PLAN OF WILLIAM R. AND DEBORAH A. OSGOOD, 148 HAVERHILL ROAD (MBLS 10-1-1 AND 11-1-2) (EKP#04-03)

Mr. Day opened the public hearing.

Mr. Day explained that this came in as a subdivision plan, but it is also a lot line adjustment.



Mr. Dennis Quintal appeared for the applicants. Mr. Quintal explained that it is a lot line adjustment and then a subdivision. Mr. Quintal stated that this area abuts the post office. He noted that the green shaded areas are wetlands. He stated that they have done test pits on the lots. He stated that they are doing a lot line adjustment and then putting in a three-lot subdivision. He stated that there will be one lot that will have frontage on Rowell Road and on the southerly side of the existing home there would be a third lot created. He stated that they show 4K areas on the plans where the test pits were done and where the wells would be located. Mr. Quintal went through the comments:

1. The plan needs to be amended to clearly present both a subdivision and lot line adjustments. Mr. Quintal stated that he could label in the title block.
2. Subdivision regulations require that the plan to be stamped by a Licensed Land Surveyor. Mr. Quintal stated that this would be done.
3. Wetland delineation methodology and the CWS/CSS stamp need to be added to the plan. Site specific soils survey was done by NH Soil Consultants. Mr. Quintal stated that there needs to be a little more work done in one of the areas. He stated that he had received a new plan that day, but he did not have time to incorporate this information into the plan. He stated that the changes will be made.
4. Building setbacks should be shown on the proposed 10-1-1 lot, which Mr. Quintal stated would be done. Ms. Carriel stated that some of the setbacks are from very poorly drained and asked if Mr. Quintal could label them on the map.
5. The SSSS codes indicate the presence of very poorly drained soils, but the areas are not identified as such. Mr. Quintal stated that he would show how big the area is and break out the very poorly drained, upland and poorly drained.
6. Zoning Ordinance Article VI.E.2 requires, for every subdivision proposal within the Wetland Conservation District, submittal of a drainage report and calculations prepared by a Registered professional Engineer describing the extent of any impacts on the wetlands. Mr. Quintal said there needs to be some adjustments to his calculations and when he gets it done within the next week he will submit it to the Town.
7. The applicant needs to provide calculations to show that proposed Lot 10-1-12 will comply with Zoning Ordinance Article VI- Wetlands Conservation District, Sec. D. Mr. Quintal stated that this will meet the requirements.
8. There is no boundary provided for the required 4,000 sq. ft. septic reserve area for proposed Lot 10-1-12. Mr. Quintal stated that the 4,000 sq. ft. area is actually 5,320 sq. ft. Mr. Quintal explained how he could fit a septic system into this narrow area as configuration doesn't matter as long as it is contiguous.
9. A note needs to be added to the plan specifying whether or not the lots are located within a flood hazard area. Mr. Quintal stated that he didn't believe that this was in a flood hazard area, but recent history has shown that Rte. 108 floods, whether because the culvert gets plugged up or because of heavy rain at times and crests over. He added that the elevation here would be the peak of Rte 108 and the water would back up to where the wetland is right now. He added that it does not back up and flood the buildable areas. Ms. Carriel stated that she would defer to the Building Inspector for flood insurance. Mr. Quintal stated that these lots would not flood because they are above the elevation. Mr. LK Smith stated that under the FEMA regulations, if the Town is in the flood insurance program, it doesn't matter if you are in a flood zone or not. Mr. Quintal explained that there are two important things that determine the height of the foundation when building a house; where the pipe for the septic system goes and the other is the foundation frame. He stated that if there are wetlands close to buildable area, a foundation frame that will keep the cellar dry is needed. He added that you wouldn't put in a house below the water line unless you put in a pump.
10. Distance to the nearest hydrant. Mr. Quintal stated that the nearest hydrant is approximately 1,100 feet.
11. Lot 10-1-11 does not comply with Subdivision Regulation Section VII.A, which stated that "At no point shall any lot be narrower than 125". No waiver request has been submitted. Mr. Quintal stated that he will widen the width of the lot to comply.
12. Why is the proposed driveway to Lot 10-1-12 located to access the smaller of the two buildable areas? Mr. Quintal stated that he wanted to show the Planning Board the worst case scenario.
13. The Board requires a Certificate of Monumentation prior to final approval. Mr. Quintal stated that he would do this when he is sure where the lot lines are going to go.
14. State Subdivision approval is required to the Board's final approval. Mr. Quintal stated that when he has the final soil information he can make that change.



15. A NHDOT driveway permit is required for proposed Lot 10-1-11 prior to the Board's final approval. Mr. Quintal stated that he hoped he would have this for the next meeting.
16. The proposed layout of Lot 10-1-12 consists of a well and driveway on one buildable area and the septic proposed for the other buildable area.

Mr. Quintal stated that he knows that several things have to be changed.

Mrs. Belcher noted that in November 2002 the Subdivision Regulation was amended to require that no lot would be narrower than 125 feet, and also that to the maximum extent possible, all newly created lots would be rectangular. She stated that it looks like they are trying to turn a two-lot subdivision into a poorly laid out three-lot subdivision. Mr. Quintal stated that he would re-look at the plan and try to make it a little more rectangular.

Mr. Day stated that the first step is to consider if the plan is complete enough to take jurisdiction. Mr. Day stated that he felt the Board should not take jurisdiction at this time because the plans as submitted are not complete. It was agreed that the Board would not accept jurisdiction at this hearing.

**MOTION:** Mr. Morales **MOVED** that the Board continue this public hearing to January 20, 2005 at 8:00PM. Mrs. Belcher seconded and the motion carried unanimously.

Mr. Day closed the hearing.

**ADJOURNMENT:**

**MOTION:** Mr. Morales **MOVED** the Board adjourn. Mrs. Belcher seconded, and the motion carried unanimously at 9:40PM.

Respectfully submitted,

Recording Secretary

*Approved 1/6/05*