

PLANNING BOARD

December 19, 1990

Members in attendance: Richard Smith, Sr., Chairman;
Robert Marston, Catherine George, William DiProfio

Others in attendance: Sarah Campbell, Rockingham Planning
Commission, and Larry Smith, Conservation Commission

The meeting was called to order at 7:40pm by Mr. Smith.

Corbett James Corbett was present and explained to the Board that he wished to dissolve the subdivision of his property off North Road and Tilton's Lane. Mr. Corbett explained the note on the plan which states there is an intent to erase. He stated he has talked with Mrs. Kaste and she will erase the subdivision numbers assigned to this subdivision and will go back to the original numbers for the Map, Block and Lot.

The plat will be exactly as it was prior to subdivision as MBL #14-7-3.

Mr. Corbett will be transferring the plat to Mr. Wayne Ewald as it appears as the original lot.

Ms. Campbell stated that abutters would have to be notified.

Mr. DiProfio stated the Board had not done so in the past.

Mr. DiProfio and Mr. Smith agreed they would sign the plan if the Board approved.

Mr. DiProfio motioned to accept the minor lot line adjustment as presented by Mr. Corbett.

Dr. Marston second.

The motion carried 4-0.

The Board signed the mylar for recording purposes only.

Kelly Mr. DiProfio explained the history of Catherine Kelly's property.

Mr. Gingras (Mrs. Kelly's son-in-law) presented the plan showing two lots. He requested the Board sign the plan for recording purposes only.

Mr. DiProfio motioned to accept the plan for recording purposes only.

Mrs. George second.

The motion carried 4-0.

The plan was drawn by Civil Construction Management, Inc., and stamped by Francis DeCesare.

Minutes Mr. Smith motioned to accept the minutes of November 27, 1990.

Ms. Campbell made corrections as follows:

- Pg. 3 - para. 14, sentence 2; change word "while" to "and".
- Pg. 5 - para. 5, add: ", when all mobile home permits were issued."
- Pg. 6 - para. 5, sentence 2; He encouraged (add) 'the Board to require'
- Pg. 8 - para. 14, change to read: "It was discussed that KV Development has yet to install required fire protection devices for the large number of houses that were built on this subdivision".

Mr. DiProfio motioned to accept the minutes as corrected.

Dr. Marston second.

The motion carried 4-0.

Bonding Mr. DiProfio stated the Board of Selectmen has asked the Board to have requirements other than the road, ie, fire ponds, safety rails, and each item to be bonded separately.

Mr. Richard Smith stated the bonding was itemized and \$3000 was bonded for the Cotulli fire pond.

There was discussion by Mr. DiProfio regarding the KV development and holding a portion of the bond for construction of the outstanding items as shown on the plan.

Richard Smith stated that on Ed Smith's subdivision it states that no more than x number of lots are to be sold until the fire protection work is done.

Mills-Pica Richard Smith recognized Mr. Pica, Engineer for the Mills proposal at 8:05pm.

Mr. Pica stated he had the final set of drawings to present and the calculations and drainage were squared away. He noted that state approval applications are ready and will be submitted tomorrow, December 20, 1990. He said there are 21 lots proposed.

Mr. Pica said he is applying to the Wetlands Board for a fill permit and for a dam permit. All fill is within the ROW as suggested by the Conservation Commission.

Mr. Pica noted that he has changed the well location area to eliminate having to have a wetlands crossing to access the well and pump house.

Mr. Pica will have to deal with the Wetlands Board and may have to do a restoration project because of the cutting of trees on site. He will be submitting for Site Specific.

Larry Smith discussed drainage. There will be an underground pipe. It will be a 24" pipe which Mr. Pica stated would be adequate.

The abutters present viewed the plan and discussed certain questions with Mr. Pica and Board members.

Mr. DiProfio stated they would be submitting the plan to the Town Engineer.

Sarah Campbell asked if the road would be in the same place as shown on previous plan.

Mr. Pica answered yes. He noted the profile is cut down to minimize the impact. There is a 7% slope on a portion of the road, which is the maximum slope.

Mr. Pica noted there will be 2 dwellings on the upper section and 19 on the lower section. There will be no internal lot lines.

Mr. Pica submitted the site plan and noted there are now two names on the plan: R. Mills and A. Scapicchio.

Dennis Quintal of the Conservation Commission will review the plans as they have just received the plans this evening.

Mr. Pica received the letter from the Board noting they allowed only 60 day extension. He had wanted 150 days from the original 90 days. He requested 150 days from October 1990.

The Board agreed and the clock will run out in March 1991.

Mr. Pica stated he will need final state approvals and asked about conditional approvals.

The Board stated they can grant conditional approvals under specified circumstances.

Mr. Pica stated they would be requesting conditional approval.

Mr. DiProfio stated this would depend on what is going on.

Ms. Campbell said that the Board has granted such in the past.

Larry Smith noted that there is a new partner.

Mr. Pica explained that there have been formal agreements drawn between the two persons and now both names appear on the plans.

Dr. Marston inquired if Teton Land Consultants did the survey, and if they are registered land surveyors.

Mr. Pica stated they are and this was submitted as requested by one of the abutters.

Mr. Pica said he has the plan and the mylar for registering the survey.

Mr. DiProfio asked if markers have been placed at the lot lines.

Mr. Pica stated no property corners were laid, they have only done a sited survey.

Mr. DiProfio stated the abutters want to see the markers.

Mr. Pica will request the property corners be placed.

The plan was signed by Thomas Fitzgerald and dated 12-18-90. (One day prior to this hearing continuation).

Richard Smith reminded Mr. Pica that the Zoning Ordinance requires the correct names of abutters within the past five days appear on the plan.

Mr. DiProfio asked if Mr. Pica has addressed any fire protection issues.

Mr. Pica stated there has been some talk of a fire pond.

Mr. DiProfio stated that Austin Carter will be the person to determine fire ponds needs.

Richard Smith stated Mr. Carter will require a set of drawings.

Mr. Pica agreed to get Mr. Carter the set of plans.

Mr. Pica agreed that the Board wants a fire pond.

Ms. Campbell inquired if this was the final design. She was not satisfied with that submitted and feels there was not enough change. She stated that from August to September the plan shows little change, only 4 of 21 driveways have been eliminated. She noted her concerns about not doing more change to effect a non-monotonous, aesthetically pleasing cluster design.

Mr. Pica said he did explain in depth why he could not do more with the setbacks in place and the lay of the land. He noted there just isn't room to be more creative.

Ms. Campbell said she felt it is not a concerted effort and there is a lot to be done aesthetically.

Mr. Pica stated that grading prohibits, he has to stay away from the slopes and grading. He explained his concept of protecting the back yards for privacy of home owners.

Ms. Campbell again said she wanted to see some flexibility in the plan.

Mr. Pica stated the topography is not entirely flat, conceptually in third dimension and with tree cover, shrubbery, etc. it is not all flatland and there is an aesthetic quality of its own.

Mr. DiProfio asked if three leachfields are permitted together.

Mr. Pica said yes, with pumps. The pumps would be pumping effluents only. Each site would have its own septic tanks and they would be pumped to the leach fields.

Richard Smith said the well is not in as good position as it was before. He wondered if the drainage system was going into the well.

Mr. Pica stated the flow would go to the wetlands first. There will be a pump house with storage tanks. He requires more information after drilling and finding the flow prior to locating the driveway to the pump house. The road will be of dirt construction. The design of the well will be up to the driller and the pump design will be by someone of expertise, such as Prescott Pump. The pumphouse and assessory items will be run by the Association. A member of the Association will be licensed by the State to conduct monthly testing.

Mr. DiProfio stated that by the end of the submission of the plans there will be a required landscape plan.

Ms. Campbell stated the Board can request a landscaping plan.

Mr. Pica asked if they want plantings.

Larry Smith stated that only little trees are left and they'll be gone if this plan goes through.

Mr. DiProfio asked for a landscape plan.

An abutter asked that as much as possible be left in a natural state. He expressed concerns with the pond site.

Mr. Pica stated he will change retention pond #1 in the buffer zone to a different location.

Mr. Pica stated he will be sending a letter requesting a waiver on the retention pond.

Mr. Pica assured that an independent engineer will say the pond design will be okay.

Ms. Campbell asked if the entire parcel could be shown on one plan.

Mr. Pica agreed to submit this.

Mr. Pica wants the pond squared away before sending to the engineer as the calculations may change.

Mr. Pica will place a fence around the pond.

Outstanding items for the Mills/Scapicchio plan:

1. Retention Pond
2. Fire protection
3. Conservation Commission review

4. Landscaping plan
5. Corner/Lot line bounds/posts set
6. Update the survey
7. Bounds must be marked and set
8. Articles of Association must have review by Town Counsel

Mr. DiProfio asked Mr. Pica not to forget that Andrews Lane is in bad shape. He noted that the property abuts the school and they could use a couple of acres.

Mr. DiProfio also noted that all associated costs incurred for reviews, etc. will be the responsibility of the owners.

Mr. Pica will contact Civil Consultants regarding plan review. He will submit three copies to the Town and one to the Town Engineer.

The Public Hearing was adjourned at 9:10pm.

Board discussion Mr. Smith stated the Joe Conti suggested cutting down the growth control from 4% to 3% because he is issuing less building permits.

Richard Smith stated he does not think the Board can do this. He suggested allowing only so many per year and allowing no carry overs.

Ms. Campbell explained the court's interpretation of growth control. She stated that this is off now as the impacts are off; growth control resumes when services are strained. She said they may think about making indicators, ie, when x happens, school, fire expansions have grown to a certain degree, the growth control goes into effect.

Ms. Campbell will get an example of this for the Board to review.

Richard Smith and Joseph Conti agree no further permits shall be issued until fire pond has been begun at the FMR development.

Ms. Campbell suggested Mr. Decker be sent a letter stating such.

Larry Smith said the road has been roughed in for the fire pond.

Richard Smith reviewed correspondence as follows:

Form for Site Specific applications (gave to Larry Smith)
Letter from Ruth Kaste regarding Ed Smith subdivision
Copy of Superior Court's findings on Impact Fees

The Public Hearing continuation re: Ordinance change proposals was opened at 9:30pm.

Mr. DiProfio stated he wants to eliminate Cluster Development.

Larry Smith stated the same decision was reached at the joint Planning Board and Conservation Commission meeting.

There was much discussion regarding history of Cluster.

Mr. DiProfio stated he wished to see internal lot lines and the size of lots increased.

Richard Smith stated these decisions should be left to the Planning Board. He noted that it was his opinion that Cluster would save open spaces, would allow for more houses per acre in order to protect open space. He felt it promotes lower cost housing and therefore making it easier for people to buy.

Mr. DiProfio disagreed and stated that was not the intent of Cluster. The intent is to preserve open space.

There was discussion about the intent of Cluster.

Larry Smith stated clustering is what the state is looking at now. He suggested no strip clusters, make them only viable in "pockets" similar to that allowed in Lee.

Mark Blaisdell stated that he saw Cluster as a green light for developers with questionable land, ie, Mill's land and he doesn't see this as an advantage to the Town.

Mr. DiProfio stated he is not against cluster, he cited Corbett's land as a prime example where it would fit in.

Ms. Campbell stated the State Legislature wants the Towns to do this.

Mrs. George stated she wants to keep Cluster, citing that once they abolish it, they will never get it back. She stated it needs some corrections, but she likes the basic concept.

Edward Cardone asked if there could be restrictions on the sizes of the houses, etc.

Ms. Campbell stated they cannot do that, that would be done through covenants which only can be set by the owner and not by the Town.

Mark Blaisdell asked if they could limit the number of units allowable.

Mr. DiProfio stated there was a value in modifying what is in place and suggested a "no strip" clause.

Ms. Campbell suggested the Board come down hard to make the developer do creative clustering.

Edward Cardone cautioned about erosion and traffic problems.

Ms. Campbell stated Cluster does not have more impact traffic-wise than on conventional subdivisions. There would be the same number of cars per unit.

Mr. DiProfio stated they cannot define "strip".

Ms. Campbell suggested they read regulations of manufactured housing in clusters.

Ms. Campbell stated they need to define manufactured housing park.

Mr. DiProfio motioned to Amend Article V by adding a new section D as follows:

The grouping together of Mobile or Pre-site Built homes in a manner which creates the type of development traditionally known as a "mobile home park" is specifically prohibited.

Amend Article IV.G by adding a new section G (and renumbering subsequent sections) as follows:

Pursuant to RSA 674:32, manufactured housing parks and subdivisions created from the placement of manufactured housing on individually owned lots shall not be allowed in East Kingston.

Amend Article XI by adding a new section V as follows:

Manufactured housing as defined by RSA 674:31 shall not be allowed in cluster developments proposed under Article XI.

Amend Article XI.G by changing "eight" to "six" as follows:

The residential density within the area being developed shall not exceed six (6) dwellings units per acre.

Amend Article XI. Section 1.Q.6 to read as follows:

Layout. The cluster development plan shall show the layout of all roads and structures.

- a. Unless approved by the Planning Board, no driveway shall access more than three dwelling units in a cluster development.
- b. Unless approved by the Planning Board, all roads shall be built to town requirements (Reference "Requirements for Constructions of Roads and Streets in the Town of East Kingston" and Appendix A, East Kingston Subdivision Regulations).
- c. The Planning retains the right to approve the specific road and structure layouts for the purpose of health, safety, and welfare of the town as well as for efficiency and aesthetic variety and quality of design.

Mrs. George second.

The motion passed 4-0.

Mr. DiProfio motioned to delete Article XI.

There was no second and the motion failed.

Mr. DiProfio motioned to accept X1.1.F as submitted by the Conservation Commission as follows:

Delete present Article XI.i.F: Maximum allowable Density and substitute the following:

F. Maximum Allowable Density. The maximum number of dwelling units permitted in any cluster development shall not exceed the number of units that would be allowed in a standard subdivision of the same parcel of land. To determine the number of units, allowed, the applicant shall submit two conceptual plans for the development. One plan shall show a standard subdivision of the parcel that complies with all requirements of the East Kingston Zoning Ordinance; the other shall show the proposed cluster layout using no more than the number of units allowed by the standard subdivision.

Dr. Marston second.

The motion passed 4-0.

The meeting was adjourned at 10:11pm.

Respectfully submitted,

Nancy J. Marden, Secretary

Typed: December 26, 1990