

December 19, 1991

Members in attendance: Richard Smith, Sr., Chairman; Catherine George, Raymond Donald, Robert Marston

Others in attendance: Larry Smith, Conservation Commission

The meeting was opened at 7:45pm.

Jonathan Ring, Kimball-Chase Engineers, was present to describe the plan submitted by Joseph R. Deschenes, 75 Exeter Road, Kingston, NH. It was noted that the subdivision is for two parcels to be removed from the total acreage with 20 acres remaining in the original lot, Lot 1. The subdivided lots are for two of the Deschenes children. A copy of the letter from Sarah Campbell regarding her remarks is attached. Her remarks for this item are: "Most of the land is in Kingston; no land in East Kingston is to be subdivided, but the Town line will become a lot line for one of the three lots."

East Kingston Planning Board signatures are required for recording purposes at the Registry. There is a common driveway easement.

Mr. Donald motioned, in consideration that all subdivision is within the Town of Kingston, to sign the plan.

Ms. George second.

The motion passed 3-0.

This hearing was closed at 7:50pm.

Dr. Marston arrived at this time.

A Public Hearing was opened for a Lot Line Adjustment between Francis Colanton and Wayne Ewald.

Mr. Donald requested the mylar be presented for the Board's consideration. Mr. Colanton said the mylar was not available at this meeting and he referred to the plan stamped "Preliminary Plan" which was left at the Town Office last month. Mr. Colanton stated that the plan of adjustment has not differed from this plan and he went on to explain in detail the changes requested to the Board members.

Mr. Donald noted that there will be a minimum of two acres remaining on the Ewald property after the adjustment. It was also questioned if the boundary pin has been set. Mr. Ewald and Mr. Colanton said, yes, it is set as far as they know.

Mr. Smith stated that three prints which show the surveyor's stamps and the mylar has to be submitted to him, and the Board members for signatures.

Mr. Donald motioned to accept the lot line adjustment predicated upon receipt of the proper prints and mylar as listed above, and showing the Professional Engineer's stamps.

Ms. George second.

The motion passed 4-0.

This Public Hearing closed at 8:00pm.

The Public Hearing for Zoning change regarding interior lot lines as read was opened at 8:01pm.

"Delete XI.1.H.2 of the Zoning Ordinance and replace with the following: 'Interior lot lines are required; setbacks from lot lines shall conform to the requirements of VI.B.'"

Mr. Donald motioned to accept the proposed change as read.

Ms. George second.

The motion passed 4-0.

The Public Hearing was closed at 8:04pm.

The Public Hearing for Water Resource Management & Protection Plan was presented.

Mr. Donald motioned to accept it as printed.

Ms. George second.

The motion passed 4-0.

This plan was signed and will be filed with the Town Clerk.

The Public Hearing closed at 8:07pm.

Mr. Pica representing Dr. Scarpicchio of East Kingston Realty was present as was Attorney Brian Wade. Mr. Pica showed the Board changes to date on the drawings, the most significant were the addition of interior lot lines.

Mr. Pica noted that they will not be asking for conditional approval this evening, but their purpose was to give the Board an overview of the Articles of Association.

Mr. Wade stated that he is with the Peter Loughlin Associates of Portsmouth. He said he will discuss the ownership documents draft and that he will be preparing the instruments for individual ownership. He recommends the creation of a Home Owners Association consisting of the owners. All restrictions would be incorporated and recorded on the deeds. Such instruments would be recorded with the Secretary of State. Members would consist of the lot owners. Individual homes will be conveyed by lot, but not the home itself to be subject to the Home Owners Association. They will be subject to covenants, ground rules, buffers, maintenance of various amenities. Individual lot owners will own the lot. The Association is to own the common area. The Association will be incorporated with a Board of Directors. The Association will encompass all from Andrews Lane through Route 107. Common facilities, wells, leach fields, etc. to be managed and to have an Association to control the common areas.

Documents have not been drawn as yet. They wish to listen to the Board's input, suggestions prior to going to Town Counsel with the documents.

Mr. Donald noted that they should be aware that the Town Counsel will want to review these documents and that they must be willing and prepared to pay the cost of such a review.

Mr. Pica stated that Dr. Scarpicchio realized this and will pay the costs associated with the review.

The Board asked if there was to be a separate septic system for each lot.

Mr. Pica stated there would be a common septic system.

Mr. Donald asked if there would be a community water system as the plans do not say community septic.

Attorney Wade stated the land as deeded will show the actual septic system that will service the particular set of homes.

Mr. Donald asked if Lots 1-3, served by a common septic system should fail, would all 21 owners commonly pay for the repair.

Attorney Wade concurred, the Association, consisting of all owners, would commonly repair even the one system failure.

Mr. Smith questioned the ownership of the retaining wall. He stated the document was to address.

Mr. Pica stated the easement is in the roadway. The footing only will be in the roadway. The Association will own the wall and will be responsible for it.

It was noted that grading changes were to be prohibited on any lots.

The discussion ended at 8:18pm.

Mr. Pica will be placed on the February agenda. He will be prepared to ask for another 90 day extension at that time.

Mr. Daniel Bodwell addressed the Board. He stated that at the last meeting Sarah Campbell was going to review the State plans for septage. He noted that Ms. Campbell was not present.

Mr. Donald read Ms. Campbell's notes regarding Mr. Bodwell's concerns. "At the last meeting, Ray Donald requested that if Mr. Bodwell had problems with the Septage/Sludge facility ordinance as written, that he submit his proposed amendments in writing, to the Planning Board. It is too late for a petitioned zoning amendment to be submitted (deadline was 12/11/91). As requested, I tried to get a copy of DES's proposed rules which Mr. Bodwell mentioned at the November meeting. They are not yet in the public comment period and are therefore not yet available for

public review. They will probably be finalized sometime in the Spring. Therefore I would suggest that the Board wait for the new rules to become effective before amending the ordinance." He told Mr. Bodwell that the Board needs something to look at. If Mr. Bodwell has a problem with the Town's ordinance, he should give recommendations.

Mr. Bodwell suggested following the State's guidelines.

Mr. Donald said the Board could not afford to turn their heads on the Town's edict and ignore the Ordinance. The Town passed laws that the Board is required to follow. In March, one year will have passed and Mr. Bodwell is not in compliance. The Town can revise the way they want to go. Mr. Bodwell was told he is putting himself and the Town in a compromising situation.

Mr. Bodwell stated the situation was in existence prior to the enactment of the Ordinance with full Town knowledge and State approvals.

Mr. Donald said that Town Counsel said the Town cannot ignore the Ordinance and if there was prior existence it can't continue forever. Mr. Donald asked if Mr. Bodwell has some insight into the State's plans, he would welcome his sharing such insight.

Mr. Bodwell said what the State proposes is substantial, encompassing facilities, septage plants, etc. It is based on five year licensing periods. He noted he has questions about the fee structures for permitting processes.

Mr. Donald noted that fee structures has to be the cost of monitoring and handling the permits and plans.

Mr. Bodwell stated that it may well cost much money for this type of review, he did not know.

Mr. Bodwell stated that Town is asking for an annual review; thereby prohibiting capital improvements; by annual reviewing, it is not allowing ample time business wise.

Mr. Bodwell offered to have the Board look at what he has right now.

There was discussion about exercising the ability to monitor the sight.

Mr. Donald noted that without the Ordinance, there may have been many litgations at Mr. Bodwell's facility.

Mr. Bodwell said he felt the informational meeting last year was productive to those attending.

Mr. Donald said that when the facility was small, people didn't notice.

Mr. Bodwell stated that a recent survey of the neighborhood, during September and October indicated things have improved substantially.

Mr. Bodwell stated he was not aware of recent complaints. He noted that there are no clear cut plans to follow. It has been experimental up to now. He felt that what has been done must have helped.

Mr. Donald acknowledged that Mr. Bodwell has tried to bring things under control, not meeting the requirements of the Ordinance is making it a difficult situation.

Mr. Bodwell noted that a workable ordinance, a comfortable one is needed.

Mr. Donald noted that Town has an Ordinance which Mr. Bodwell doesn't feel is rational and he is not in compliance.

Mr. Bodwell said it needs revision to enable him to come into compliance.

Mr. Smith asked if there is any part of it that he can comply with.

Mr. Donald noted that Mr. Bodwell has refused to apply for a permit. The lack of litigation is the cost.

Mr. Smith asked if there are any new bills in the legislature.

Mr. Bodwell said there are new regulations by EPA (Federal) standards. They are seeking users/haulers input now.

There was discussion about the time consumed to enact the bill.

There was discussion about the fact that Mr. Bodwell was going to talk about constructed wetlands process.

Mr. Bodwell noted the State is still working on this review.

Mr. Smith asked Mr. Bodwell to give Ms. Campbell any new information or bring it to the next meeting.

Mr. Bodwell asked the Board if it had a chance to look at the constructed wetlands process.

Mr. Donald said he had, and then asked if this was costly.

Mr. Bodwell stated the initial installation is expensive.

Mr. Bodwell will be on the January 16th agenda.

Larry Smith reported on the Powwow Pond Council. He said the pond is a "mess" with weeds. The Fish & Game has said it will be totally dead in three years without cleanup.

The Council will dredge out the weeds. The river will be drawn down to the original river bed. The river is expected to be down for two years. The contractor doing the work will take the materials dredged for payment. The dredging will be deep to prevent the weeds from regrowth. The edges will be 3-1 slope to the mean depth of 6 ft. minimum.

An informational meeting is scheduled for January 9, 1991 at the Kingston Town Hall. There will be a Public Hearing in the future by the Wetlands Board. This is required in both Kingston and East Kingston; no date set as yet.

Some wells may go dry during the work. The Council is prepared to help in this event. Resolutions were signed last year in support of the project by the Selectmen and Conservation Commissions of each Town. Abutters were notified last October. There are about 300 abutters.

Mr. Donald left the meeting at this time.

The Planning Board Budget was received. The Selectmen propose \$6000. \$1082 dues; \$3170 Circuit rider; \$2000 Master Plan, \$348 other. This is a \$2500 increase.

Mr. Larry Smith noted that the dues should be \$1026 because of the census.

Dr. Marston said he felt it was too high and it reflects a substantial increase. He asked if the Master Plan was up for review this year.

Mr. Smith stated that Capital Improvements Plan is up for review mainly.

Dr. Marston asked if it would cost that much.

Mr. Smith noted that Ms. Campbell suggested \$4000 and the Selectmen cut it to \$2000. The rationale was to put Ms. Campbell to work on the CIP utilizing some money from the salary budget.

Dr. Marston said he was not happy, and every effort should be made to conserve. He said taxes are going too high.

Ms. George noted the big jump, but was at a loss as to what the Board can do without.

Mr. Smith stated that actually the budget had been lowered. It dropped from \$20,000 to \$4000 when the Selectmen assumed the legal fees.

It was discussed that the "other" includes newspaper articles and that returns (fees) go into the General Fund.

Mr. Smith stated he thinks it is a fair budget and the Board may not have to spend the \$2000.

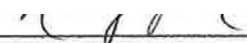
Ms. George motioned to accept the budget.

Dr. Marston second.

The motion carried 3-0.

The meeting was adjourned at 9:15pm.

Respectfully submitted,



Nancy J. Marden, Secretary

Typed: December 28, 1991