

Town of East Kingston, NH  
Planning Board Minutes

Date of Meeting: December 19, 2002  
Place of Meeting: Town Hall  
Time of Meeting: 7:00 p.m.  
Type of Meeting: Monthly Meeting

Present: Richard Smith, Chairman; John Fillio, Ex-Officio, Dr. Robert Marston, Gene Madej, Alternate, Cathy Belcher, Alternate and Roby Day, Alternate.

Others Present: Larry Smith, Conservation Commission  
Maura Carriel, RPC

Call To Order: Mr. Smith called the meeting to order at 7:00 p.m. Mrs. Rice conducted the roll call.

In-Coming Correspondence:

1. Letter from Roby Day expressing an interest in becoming a regular member of the Planning Board. The Board of Selectmen have acted on this request which becomes effective on January 1, 2003.
2. Letter from Natural Resources Outreach Coalition, application for assistance to seacoast communities. Application deadline is January 30, 2003. Mr. Larry Smith will arrange for a presentation from Amanda Stone on January 16<sup>th</sup> at 7 p.m. with an alternative date of January 23<sup>rd</sup> at 7 p.m. to discuss grant and program criteria.
3. Brochure from American Planning Association.
4. Brochure from Plan NH.

Voting Member For This Evening:

Dr. Marston made a motion to appoint Mr. Day to fill Mrs. Fillo's position for this evening. Mr. Fillio seconded. The motion passed unanimously.

Mr. Day made a motion to appoint Mr. Madej to fill Mr. Morse's vacant position for this evening. Mr. Fillio seconded. The motion passed unanimously.

Michael Anderson-Discussion Purposes Only-Proposed Subdivision of Conti Land

Mr. Anderson was not present.

Continued Public Hearing for Brentwood Commons. LLC-3 Lot Subdivision located off Willow Road

Mr. Larry Erickson and Mr. James Lavelle, Lavelle Associates were present. Mr. Richard Smith stepped down as a member of the board.

Dr. Marston presided as Chairman of the Board during this Public Hearing. Dr. Marston appointed Ms. Belcher as a regular member for this hearing.

Mr. Lavelle presented revised plans for this proposed three lot subdivision. A report from Civil Consultants and RPC were received by board members.

Mr. Lavelle presented the plan and explained the content of each page to the board. Two waiver requests were received regarding road slope and side slope.

The board reviewed the report prepared by Civil Consultants and the issue of sight distance easements was discussed. The board noted that work needs to be completed to reach the full and adequate sight distance from the end of the proposed Taylor Way and the possibility of moving a telephone pole back from the side of the road. Discussion ensued regarding the necessity of an easement on the abutting property to obtain the proper sight distance. After review and discussion, it was noted that clearing and cutting of trees was necessary, but an easement on the abutting property was not necessary.

The report from RPC indicated the following items need to be completed:

1. All notes and title blocks on the plat should indicate the full tax map, block and lot number of the lots involved. This will be noted as a condition of approval.
2. Easements are shown for the cistern and for maintenance of the sight distance at the intersection of Willow Road. An easement should be provided for maintenance of the drainage features on proposed lot 8-1-21. The Town Engineer will approve the delineation of the easement area. This will be noted as a condition of approval.
3. Proposed wells and 4k septic areas should be added to the sheets to be recorded. This is a condition of approval.
4. The Town Engineer's comments should be addressed and changes made to the plan set as appropriate to the Board's final approval. The outstanding items addressed in the Town Engineer's report will need to be satisfied and approved. This is a condition of approval.
5. The board needs to act upon the applicant's request for a waiver from Section IV, I of the Subdivision Regulations regarding road slope. The Town Engineer has given approval of this waiver request. If the waiver is granted, this must be shown on the plan. This is a condition of approval.
6. The fire suppression system needs to be approved by the Fire Chief prior to the Board's final approval. This is a condition of approval. A memo from the Fire Department from Lt. Carl Richter was received and given to the applicant regarding outstanding items. A copy of the plans will be forwarded after all corrections are made for final approval from the Fire Department.
7. The board's counsel should review and approve the easement language prior to the Board's final approval. This is a condition of approval.

Mr. Fillio made a motion to grant a waiver request to Section IV, I of the Town of East Kingston Subdivision Regulations, which requires a maximum of a 5% road slope. The proposal is to provide a 6% road slope that allows for grading to fit within the property boundaries while still maintaining all AASHTO requirements.

Ms. Belcher seconded. The motion passed unanimously.

Mr. Day made a motion to grant a waiver to Subdivision Regulation to the typical roadway cross section side slope at 4:1 slope to allow a 3:1 shoulder slope.

Mr. Fillio seconded. The motion passed unanimously.

The board discussed the easements to be noted on the plan. An easement for fire suppression access, drainage and sight distance maintenance are needed and will be added to the plan with appropriate language for each. This language will be reviewed by Town Counsel for its appropriateness.

Abutters present: Mr. Richard Smith.

Mr. Smith requested that the telephone pole nearest to the intersection of the proposed Taylor Way be moved. This request will be forwarded by the applicant to the power company.

The road agent has no concerns regarding this project.

Mr. Day made a motion to grant conditional approval as follows:

1. All notes and title blocks on the plat should indicate the full tax map, block and lot number of the lots involved
2. Easements need to be shown for the cistern and for maintenance of the sight distance at the intersection of Willow Road. An easement should be provided for maintenance of the drainage features on proposed lot 8-1-21. The Town Engineer will approve the delineation of the easement area.
3. Proposed wells and 4k septic areas should be added to the sheets to be recorded.
4. The Town Engineer's comments should be addressed and changes made to the plan set as appropriate to the Board's final approval. The outstanding items addressed in the Town Engineer's report will need to be satisfied and approved.
5. All waivers shall be noted on the plan.
6. The fire suppression system needs to be approved by the Fire Chief prior to the Board's final approval.
7. The board's counsel should review and approve all easement language prior to the Board's final approval.
8. Suitable bonding acceptable to the Board of Selectmen shall be provided.
9. All roadway bounds are to be set after the road is constructed. The outstanding bounds to be set shall be part of the road bond.

Mr. Fillio seconded. The motion passed unanimously.

Dr. Marston shall sign the final plans as Chairman of the meeting tonight.

Public Hearing for Ken Dudley and Laurie Estey Dudley, 64 Depot Road, TMBL 8-1-3 for a proposed home occupation

Mr. Smith resumed his position as Chairman. Mr. And Mrs. Dudley were present. Mr. Wessell, an abutter was also present.

The proposal as presented by the Dudley's include the following:

The Dudley Folk Art Gallery would consist of two resident employees, utilizing 780 square feet of an existing barn. The gallery would be to display and sell finished folk art, to be open 41 hours per week from 9-5 pm on Saturday, 11 am - 5 pm on Sunday and three weekdays from 9 am to 5 pm and one evening from 6 pm to 9 pm. No commercial vehicles will be used for the business and there will be no deliveries. The parking area is on the side of the barn consisting of parking for 28 vehicles. The sign will be regulation size, two sided with the business name and phone number.

The board noted that approval has previously been granted for a yoga instructional business at the same location, utilizing the top portion of the barn. The board discussed the square footage utilized between both the businesses, the entire square footage of the building and the percentage utilized by both businesses. The board discussed the establishment of two home occupations vs. the commercial appearance in a residential neighborhood. The board discussed the zoning ordinance, noting that no limitation is made for the number of home occupations one residence may have.

The board discussed the number of vehicles that could potentially be parked at the residence and the applicants agreed to a limit of 20 cars for both businesses.

Mr. Day made a motion to recommend to the Board of Selectmen the allowance of this home occupation as presented.

Mr. Fillio seconded.

Mr. Wessell noted he supports the businesses, the parking area is not an issue as it is buffered with trees so he never sees the cards and he supports the project.

A roll call vote was taken for the record as follows:

Mr. Smith, no.

Dr. Marston, no.

Mr. Madej, yes.

Mr. Fillio, yes.

Mr. Day, yes.

The motion passes 3-1-0.

Mr. Filio informed the Dudley's the next Board of Selectmen meeting is December 30th.

Lewis Builders. Discussion Purposes Only-Combining of Maplevale Farms and Maplevale Woods Condominium Project

Attorney Robert Fryer, Chris Frey, Lewis Builders and Peter Lewis, Lewis Builders were present.

Revised Condominium documents were sent previously to the board members and a memo from Town Counsel was received.

Attorney Fryer explained that the intent before the board was to combine Maplevale Farms and Maplevale Woods into one condo association. The rational behind the merger is that it would be easier and cheaper to manage a complex of 40 units, than two separate units. He gave several examples of two sets of board of directors and cost sharing over 40 units instead of 20. According to Attorney Fryer no internal changes such as use of common parking areas, recreational vehicle parking areas, cross easements and use of the club house would change. No layout in the approved units or increase in the number of units would result in this merger. The combined number of units between Cricket Hill, Woods and Farms would consist of 66 units.

The board felt a new site plan application would need to be filed. The board discussed the fees to be paid and noted the cost of the public hearing, the cost of abutters and the cost of the legal notice would need to be paid. The applicant agreed to this.

Ms. Belcher made a motion to hold a public hearing on January 16, 2002.

Mr. Filio seconded. The motion passed unanimously.

Continued Public Hearing for proposed four lot subdivision for Richard Cook and David Sullivan, 33 Haverhill Road, TMBL 11-2-11 for three residential lots and one-non-residential lot

Mr. Dennis Quintal, Civil Construction, Mr. Richard Cook, owner were present.

Abutters Present: Mr. And Mrs. Kiesel, Mr. Postle

Mr. Quintal presented revised plans which consist of a three lot residential subdivision with a road which connects from Ashely Drive to Bowley Road. Mr. Quintal apologized for the back lot shape as he was unaware of a recently adopted lot shape requirement and would change the plans to conform. He also noted that the provisions of the back lot provision might be able to be met for this lot. Mr. Quintal reviewed the test pits, wetland areas, building areas, grading and easements for the plan. Mr. Quintal asked that the plans be submitted for Town Engineer review and noted with the new configuration of lots a waiver request would be submitted for the number of test pits required for one of the lots. The remaining lot would remain light industrial and the intent is to place self storage and business units on the property serviced by a long driveway off Bowley Road. The future intent is to someday connect this drive to the Masone property.

A report from Ms. Carriel, RPC was received. Outstanding comments include the following:

1. The plan is missing the stamp and signature of a Licensed Land Surveyor.
2. Proposed lots 11-2-11-2 and 11-2-11-3 do not comply with the Town's requirements on lot configuration, as amended at the November Planning Board meeting. The applicant should be given a copy of the applicable sections of the amended Subdivision Regulations.
3. Information should be provided to demonstrate that all lots comply with the Wetlands Conservation District lot requirements. Proposed lots 11-2-11-1 and 11-2-11-2 are of particular concern.
4. Perc tests and additional test pits need to be provided.
5. All building setbacks need to be shown on the subdivision plat, including those from lot lines as well as from wetlands.
6. Existing and proposed topography needs to be provided on the subdivision plat. An existing conditions plan sheet should be added to the plan set.
7. Fire protection provisions should be provided. A report from Lt. Carl Richter was provided listing corrections that need to be made. This was given to Mr. Quintal.
8. Basic soil information per the Subdivision Regulations is needed to determine whether SSS mapping will be required.
9. The owner of record should be noted on the plan.
10. A revision block should be added to the plan to track changes.
11. Roadway cross-section and detail needs to be provided.
12. If not already provided, a drainage report should be submitted.
13. The Town Engineer should provide input on the proposed design of the connection to Ashlie Road. Pavement of the bulb of the existing cul-de-sac should be removed in the roadways are connected. In addition, the Town Engineer should comment on the proposed cul-de-sac bulb near the proposed t-intersection of the two roads.
14. Bowley Road is a Class VI roadway. Access to the proposed subdivision is shown from Bowley Road and roadway extension from Ashlie Road. At the last meeting, the applicant indicated that he had met with the Board of Selectmen to discuss the Town's authorization for a conditional lay out of the roadway as a Class V highway with the applicant paying all costs for improving the roadway to Town standards. Mr. Fillio informed the board that the applicant has met with the Board of Selectmen and has agreed to upgrade Bowley Road at his own expense to Town standards.

It was further noted a permit will be needed from NHDOT for the upgrade and proposed new intersection. The board should coordinate with the NHDOT on this application. One concern is the angle of approach to NH 108 and any resulting safety issues that may arise from that.

Ms. Carriel advised the board that the plans submitted are not complete and the board not accept jurisdiction. A further review of revised plans will take place when submitted.

Ms. Kiesel addressed the board with concerns over the name of the subdivision and confusion that the three lot proposed subdivision would be considered part of Ashlie Road. Mr. Cook announced that this is not part of the Ashlie Road subdivision and would be known as Franklin Park. Ms.

Kiesel addressed concerns over certain covenants being part of the Ashlie Road Subdivision such as size of buildings. This is not part of the Ashlie Road subdivision, therefore this would not apply. Ms. Kiesel asked for a sign to be placed at the beginning of the subdivision to depict the distinction between the two. No homeowners association would be formed for the new Franklin Park subdivision.

Brett Smith, Ashlie Road voiced his concern with the extension of Ashlie Drive and suggested the board contact Mr. Dawson on the length of the road.

Mr. Frank Postle, 7 Ashlie Drive, presented the board with a several page letter outlining several concerns. This is attached for reference to these minutes. The board discussed his concerns which included abutter notification, connection of Ashlie Drive, creation of frontage of abutting properties on Ashlie Drive, location of homes on the lots, leach field requirements, thru trucking issues, and safety of the children on the present cul-de-sac, issues regarding the non-residential site plan use such as setbacks between residential uses and commercial uses and current uses of the properties.

Mr. Kiesel noted concern over the back lot being proposed and the length of the cul-de-sac. He asked that the board not penalize the Ashlie Road homeowners with the extension of Ashlie Road.

The board discussed the length of the cul-de-sac and the history of Ashlie Road and how it became greater than 1,000 feet in length. It was noted that before Mr. Bowley's death, the intent was to extend Ashlie Road into an additional 12 homes. The board discussed with the abutters present the 50' ROW connection that was left to the abutting properties and future connections. The board also discussed the entrance/exit onto Route 108 and Mr. Russell Clark asked for a traffic impact study to be conducted as his driveway will be impacted.

Mr. Richard Freese asked about the selling of the residential lots and the quality and cost of the homes.

Mr. Richard Leith noted his opposition to the extension of Ashlie Road as the children of the neighborhood play within the road and cul-de-sac area.

Mr. Quintal asked for the board to send the plans to the Town Engineer for comment. The board did not take jurisdiction over the plans and the board noted that the Town Engineer generally does not review the plans until jurisdiction has been taken. The board discussed the backlot provision and the proposed lot at the end of the new road.

Mr. Fillio made a motion to continue the public hearing until January 16, 2003 at 8:15 p.m. at the East Kingston Town Hall.

Mr. Day seconded. The motion passed unanimously.

Continued Public Hearing for a proposed non-residential site plan for Richard Cook and David Sullivan, 3 Bowley Road. TMBL 11-2-11 for the construction of 31,520 square feet of non-residential space.

Mr. Quintal, Civil Construction, Mr. Richard Cook, owner were present.

The board received a set of revised plans and a report from RPC was received, although not reviewed in detail.

Mr. Quintal reviewed the proposal before the board which consists of a 31 acre parcel after subdivision with access from Bowley Road. A long driveway is provided to access the property for a self storage facility and office/storage space for individual businesses. Mr. Quintal explained that wetland crossings would need to be obtained in the future to connect this drive to the Masone property so that there would be basically a loop driveway.

The board discussed the buffer areas and setbacks, landscaping, lighting and access to the Dewey Bowley Pit. Mr. Quintal explained in detail the easement that has been left for Mr. Bowley to access his property and to access the river to pump water to wash sand. Nine buildings are being proposed. The self storage facilities would consist of one story and the office/work space would consist of two stories. It was felt that 19 businesses could be accommodated on site. The board discussed a traffic impact study being conducted due to the increase of traffic onto Route 108 and the configuration of that intersection. It was noted the building size would not exceed 5 thousand square feet each.

No public input was received.

The public hearing was continued until January 16, 2003 at 8:45 p.m. at the East Kingston Town Hall.

Continued Public Hearing for a proposed non-residential site plan for Paul Masone, owner, 213 Haverhill Road. TMBL 11-2-16&17. AT & T Wireless Services and National Tower LLC applicants for a proposed wireless telecommunications facility consisting of a 180 foot monopole with three flush mount antennas and equipment cabinet.

Mr. Paul Masone and Mr. Richard Vetch, AT&T and a representative of National Tower were present.

Mr. Vetch made a presentation before the board noting that National Tower is the company which constructs and owns the tower unit, with AT&T Wireless Services leasing a space at 150' for an antenna. Maps were presented depicting the current area of service without the proposed tower and the service area after the tower is constructed. Mr. Vetch noted that a similar tower is being proposed in Newton and he explained to the Board that antenna service is best at a 3-4 mile radius of the antenna, thus the increase in tower sites to give better reception to the cell phones being serviced by AT&T. He further explained the 180' proposal is the maximum allowable within East Kingston, and antennas may be located every 10'. The lowest he estimated would be down to the 120' elevation. He noted that AT&T would like the 150' elevation for their service.



Mr. Nail, Radio Frequency Engineer, was present and explained to the board the radio frequency and the maps that were provided. He noted that the intent was to fill in the gaps of service in this particular area and those areas that do not have service within this radius after the tower and antenna were constructed were due to topography and rough terrain. A list of the sites within 20 miles of East Kingston was provided.

The board discussed alternative measures for locating towers and antennas and Mr. Nail explained that sites are chosen to cover the most area and not necessarily the highest point, is the best choice. He explained radio frequency and the handling off the signalization of the phones.

The board discussed the collapsing feature of the tower and how they are constructed. A pamphlet was received by the Board on the construction of the tower and mention was made by Mr. Vetch on the recent ice storms in the south and that no damage or collapses had taken place. Mr. Vetch also described the foundation of these towers and anchor system and that it would take an enormous amount of energy to blow one of these units over. The board discussed bonding of the tower removal. It was suggested that an inflation factor for each year be figured into the bonding estimate.

The board discussed with the applicant the benefits the Town could obtain. It was suggested that the Town could receive space for their emergency radio system.

The board discussed the number of antennas that could be placed on the tower and the flush mount style. The board discussed the fall zone and noted that the tower could not be placed within 120 feet of the property line so there was an adequate area of clearance. This has been resolved with a merger of the two lots which the board needs to act upon.

The board discussed the process to follow for this application and noted revised plans are being drawn. The board discussed holding a site walk and balloon test to view the height of the proposed tower. The board discussed lowering the height of the tower to 150 feet to accommodate AT&T and if any additional occupants want a higher altitude, they could add onto the tower. The board discussed with the applicant the economic feasibility of doing this.

The board discussed the cabinets and noted they are mounted on a concrete slab. The board was concerned with noise generation and discussed viewing other tower sites for height viewing and noise generation.

A copy of the FCC license is required and it was noted a report from RPC had been submitted.

Mr. Day made a motion to accept the plans for jurisdiction.

Mr. Fillio seconded. The motion passed unanimously.

The board discussed the scheduling of a site walk and balloon test and felt that it would be best to wait until January to do this.

The board continued the public hearing until January 16, 2003 at 9:15 p.m. at the East Kingston

Town Hall.

Paul Masone-Discussion of new occupant, 213 Haverhill Road

Mr. Paul Masone was present. A letter was presented on behalf of Mr. Seth Perillo to rent a building at 213 Haverhill Road.

Mr. Perillo is the owner of Perillo Custom Stone who would like to rent one half of building #5. The nature of the business is cutting and finishing of marble counter tops and fire place mantels. He business has no contaminants or hazards. The only residual is water and sand from the stone being cut and sanded. He only employs himself at this time and the estimated growth is 2-3 employees over the next 3 years. The hours of operation are 6 am to 6 pm Monday-Friday and a half day on Saturday.

Mr. Day made a motion to grant approval for this tenant/change of occupancy to 213 Haverhill Road, Building #5.

Mr. Fillio seconded. The motion passed unanimously.

Paul Masone-Discussion of Voluntary Lot Merger Request

Mr. Masone was present.

Mr. Masone presented a voluntary lot merger request. This request is to merge two parcels known as TMBL 11-2-16&17 which would eliminate the issue of the tower being located within the 120 foot fall of an abutting parcel.

Mr. Fillio made a motion to grant this voluntary lot merger.

Mr. Day seconded. The motion passed unanimously.

Continued Public Hearing for proposed Zoning Ordinance Change to:

Article IX Lot Area and Yard Requirements, Section B.2, B.4, B.6 and B.7 to increase the amount of frontage, width and driveway location required for back lot subdivisions.

Mr. Smith re-opened this public hearing.

Mr. Dennis Quintal and Mrs. Jan Tirrell were present.

Mr. Smith read the proposal pertaining to back lot subdivisions.

Mr. Quintal noted concern with proposing a change to this zoning ordinance rule. He noted the intent of the back lot provision was to allow a landowner an option of a back lot with limited frontage to create one lot instead of creating a road, which the town would ultimately have to take

care of and the creation of additional lots. He noted this is forcing further development. With a 40 foot frontage requirement, a road could not be built and further development would not happen with that particular piece of property. He noted that if the new option is voted in, with 125' of frontage, it will open the option of further development.

Mr. Larry Smith noted that the original intent was the frontage be set at 40 feet to prevent a road from being constructed, as the road requires 50 feet.

Mrs. Tirrell addressed the board, agreed with Mr. Quintal's statement and noted she had spoken to the board previously about a back lot subdivision for her daughter. She noted they are still interested in a backlot subdivision, but noted in her case only one driveway would be needed and maintained and it would prevent additional development of her lot.

Ms. Belcher noted that the Board has seen some very misshapen lots as a result of this provision.

The board briefly discussed the implications of changing this rule.

Mr. Day made a motion to remove the recommendation.

Dr. Marston seconded. The motion passed unanimously.

#### Continued Public Hearing for Growth Management Ordinance

The board received a packet of information on Growth Management and Impact Fees. A report prepared by Ms. Carriel, RPC on the number of building permits in surrounding towns was also distributed.

The board discussed the growth management as it currently stands, the East Kingston Tax Rate, and the creation of an impact fee ordinance.

Mr. Day made a motion to continue Growth Management as currently enacted.

Mr. Fillio seconded. The motion passed unanimously.

The board adjourned at 12:30 am.

Respectfully submitted,

Susan J. Rice, Secretary  
East Kingston Planning Board

Completed: December 24, 2002  
Accepted: \_\_\_\_\_