



**PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire**

2019-2020
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

MINUTES
Regular Meeting December 19, 2019
7:00 pm

AGENDA:

Board Business.

- **Continued Review** of zoning amendment changes to be placed on the 2020 warrant.
- **Other Board Business**

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:01 pm by Chairman Bath.

Members Present: Chairman Joshua Bath, Vice Chairman Tim Allen, Bill Caswell and Scott Orleans.

Advisors Present: RPC Senior Planner Julie LaBranche and Building Inspector John Moreau.

Mr. Bath appointed Mr. Orleans as a voting member in Dr. Marston's absence.

Minutes: Mr. Bath asked for a **MOTION** to approve the November Minutes.

Mr. Allen **MOVED** to approve the November minutes as presented; second by Mr. Orleans with a unanimous vote.

Continued Review of zoning amendment changes to be placed on the 2020 warrant.

Amendment to Title Section 100.1 – Building Code - 1. a & b – update building and fire codes to current state codes. – all but the electric codes were updated to reflect 2015 codes; the National Electric Code was updated to 2017, and State Fire Code Sat-C 6000, as amended.

Mr. Allen **MOVED** to approve the updates to Title Section 100.1 – Building Code and take it to Public Hearing on January 16, 2020; second by Mr. Orleans with a unanimous vote.

Amendments to Article II – Definitions - add definitions for Agricultural & Farming, Regulated Substances, Commercial Vehicles, Mobile Home and Recreational Vehicle, Motor Home and Recreational Trailers, and amend Pre-Build Housing.

Ms. LaBranche recommended they add the description and weight of the commercial vehicles. As there are so many variations, Mr. Allen opined if it's a commercial vehicle, they could just refer to the stated rules and regulations. Everyone was good with that explanation.

Under Recreational Vehicle, Ms. LaBranche suggested adding recreational trailers and camping trailers. All were okay with the additions.

There was discussion regarding an addition to the Pre-Site Built Housing definition. Mr. Allen opined it was often confused with a single-wide. Consensus was to add “the statutory definition of modular housing is RSA 205-C:1(XI)” and the statement “Pre-Site Built Housing does not include Manufactured housing.”

Mr. Allen **MOVED** to approve the amendments to Article II – Definitions and take it to Public Hearing on January 16, 2020; second by Mr. Caswell with a unanimous vote.

Amendment to Article III – addition of Article III-B – Residential/Agricultural District, and addition of Article III-C – Adult Uses.

Additions since last meeting were to Article III-B.4 – addition of “and grandfathered nonconforming uses”. A new #5 was added: “Recreational vehicles, motor homes and camping trailers shall not be utilized as a single-family dwelling or residence and not occupied for more than ___ consecutive days and not more than ___ days in a given year. After discussion the timeframes decided were 90 consecutive days and not more than 120 days in any given year. Article III-C – Adult Uses was discussed at the November meeting.

Mr. Allen **MOVED** to approve the amendments to Article III-B – Residential/Agricultural District and take Article III-B and Article III- C to Public Hearing on January 16, 2020; second by Mr. Orleans with a unanimous vote.

Amendment to Article IV – Commercial District – add Purpose, add Prohibited Uses, and amend Uses Allowed.

The board had originally discussed taking out the references to the individual lots and referring to the map instead, but upon further reflection Ms. LaBranche and Ms. White noted the commercial district definitions did not include the entire lot but only went back into the lot 500 feet. It was decided to leave the location definitions as they were and not change them.

Mr. Allen **MOVED** to approve the amendments to Article IV – Commercial District; add Purpose, add Prohibited Uses, and amend Uses Allowed and take to Public Hearing on January 16, 2020; second by Mr. Caswell with a unanimous vote.

Further discussion under Prohibited Uses - changed *Single User retail stores greater than 25,000 sf* to *Retail stores or retail buildings greater than 25,000 sf*.

Mr. Allen **MOVED** to include the additional changes to Article IV – Section C - Commercial District and take to Public Hearing on January 16, 2020; second by Mr. Caswell with a unanimous vote.

Amendment to Article V – Light Industrial/Residential District – add Purpose, and amend paragraphs D, D.2 & D.4.

As in Article IV, in Paragraph B the reference to the zoning map was removed and the location definitions were left as they originally read.

Mr. Allen **MOVED** approve the amendment to Article V – Light Industrial/Residential District and take to Public Hearing on January 16, 2020; second by Mr. Orleans with a unanimous vote.

Amendment to Article XI. – Repeal Single Family Cluster Residential Development and replace with Article XI. Conservation Subdivision Development.

Mr. Bath thanked Mr. Allen and Mr. Caswell for the work they did on the charts and graphs for this new section of the ordinance. There was also a review sheet Mr. Allen put together of the changes discussed from the last meetings.

Mr. Bath noted that submitting a subdivision application under this new conservation subdivision ordinance would be voluntary. Applicants still would have the option of submitting a standard subdivision application.

The hope was to incentivize the use of the conservation subdivision through the bonuses offered.

Ms. White noted it did not say on the proposed ordinance that participation was voluntary. They added that it was voluntary to the introductory statement.

The Board went through the sections one by one.

Section E – The Minimum Tract size was reduced from 20 acres to 10 acres as the minimum allowable size.

Section F – Maximum Allowable Density. Added language that a yield plan will be established for baseline density.

Section G – Open Space. G1 and G2 were reconfigured, and added that *conserved open space will be set aside in perpetuity in a conservation easement to be approved by the PB and recorded*. Added a section with language detailing types of land and features to be preferably designated as conserved open space. Changed percentages for open space.

Section H – Density Bonuses. There was discussion and board consensus was to change the percentage to 20% vs the original 10%. It now reads “*Density bonuses will never be granted for more than 20% of the original yield plan number of houses.*” Removed reference to rounding up percentages for less than 50%.

Section H.a. – Open Space Bonuses – added a chart for bonuses.

Section H.b. – Public access – is restricted from motorized vehicles and added some examples which can be used as bonuses.

Section H.c. – Agricultural Land Bonus. Added a table for this. Mr. Bath had concerns regarding this. You can only receive the bonus if it’s currently farmed or its farmable. Is there a minimum area?

Ms. LaBranche noted that it does not need to be farmed to qualify; you would have the choice to rent it out for farming or it could just stay open space. She thought the area specified was too large. Board discussion resulted in adding a category for less than 33% for a 2.5% Density Bonus.

Section H.d. – Protection Bonus. The bonus was increased from 2.5% to 5%. This bonus would need to be demonstrated to the Planning Board for approval. The Lot Density Bonus example calculations will be changed to reflect the change to 20%.

The Frontage Lot Density Bonus was removed.

Section I – Method of Conservation Subdivision Design. Added section explaining the 4-step process.

Section J – Add soil-based lot sizing. And no more than 6 lots per acre.

Mr. Caswell asked what the mechanism is to make sure the development is “conserving” what is supposed to be. Is it binding and how do we make sure it is being done? Mr. Bath pointed out similar language in section G. Conserved Open Space. The Board clarified: “*Conserved Open Space would be set aside and protected in perpetuity in a conservation easement*”. They also added it would need to be approved by the Planning Board and recorded.

Section S.1. – Planning Board Review – Ms. LaBranche suggested dividing Section S. into S.1 and S.2. The new Section S.1 would state that the applicant would be required to come in for a preliminary conceptual consultation (no abutters notified and it is non-binding) or a design review (abutters need to be noticed but is non-binding) before they make a formal application. Board consensus was to add the design review.

Section S.2. would be the submission requirements for a formal application and the rest of the section S.2. will be re-lettered as necessary. The section referring to stormwater drainage will be revised to state that a Stormwater Management plan would be required and the methodology needed to calculate that would be according to DES publications (Vol 1 and Vol 2).

Mr. Bath asked for a **MOTION**.

Mr. Allen **MOVED** to accept all the changes made this evening to the Article XI Conservation Subdivision; seconded by Mr. Caswell with a unanimous vote.

Mr. Allen **MOVED** to repeal the existing Article XI Single Family Cluster Residential Development, and replace with the new Article XI Conservation Subdivision Development, and take to public hearing on January 16, 2020; seconded by Mr. Orleans with a unanimous vote.

Other Board Business

Ms. White noted that in January, besides the warrant articles, the Board will be hearing the following:

- Discussion with Blake Langone, tenant at 4 Powwow River Road, for expansion of his current business to sell cars and trucks from his business location.
- Country Hills of East Kingston would like approval of an amendment to their bylaws.
- Barry Grier from Jones and Beach will be coming for a cluster subdivision.
- The annual review of the Growth Management Ordinance.

Adjournment

Mr. Allen **MOVED** to adjourn; Mr. Caswell seconded, with a unanimous vote.

Mr. Bath closed the meeting at 9:24 pm.

The next Planning Board meeting will be on January 16.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joshua Bath

Chairman

Minutes approved *January 16, 2020*