

Town of East Kingston Planning Board Minutes
December 21, 1995

FILE

Attending: Chairman Richard Smith, Catherine George, J.Roby Day, Dr. Robert Marston & Andrew L.T. Berridge (7:37-8:46)

Others Attending: Sarah Campbell-RPC Circuit Rider, and Lawrence Smith-Conservation Commission Chairman.

This meeting convened at 7:30 PM.

Water Resource Management Protection Plan Contract: Chairman Smith signed a contract with the Rockingham Planning Commission on behalf of the Planning Board, and explained the Selectmen also needed to sign the contract. Mr. Smith felt the Selectmen should appropriate up to \$675.00 in the budget for the services for professional planning assistance in support of the town of East Kingston with respect to providing changes to the town's Water Resource Management Protection Plan. The contract for this project is for services that will commence January 1, 1996 to be completed by March 31, 1996.

Public Hearing for Home Occupation Application - Kenneth G. & Anita M. Terry:

This meeting opened at 7:35 PM.

It was noted that Mr. Philip R. Poole was present (current owner of 44 Willow Road).

Mr. Terry explained to the board that he and his wife have decided to purchase the property from the Pooles located on 44 Willow Road. They are willing to make changes in their employment staff by asking their daughter-in-law to step down from her position, and Mrs. Anita Terry will take over till further notice. By doing this, the Terry's will meet the regulations regarding the number of non-resident employees under the Home Occupation ordinance.

It was noted that Planning Board member Roby Day visited the existing location of the Terry's home business. Mr. Day commented that he found the operation very unobtrusive, with literally no visible evidence that a business was being conducted. He noted the business was being conducted in the basement, and it did not appear to Mr. Day that there was any customer traffic. He also noted as far as equipment concerns, he found desk-top equipment for both the calibration equipment and equipment that is serviced. In terms of hazards, Mr. Day felt they were at a minimum.

When asked if the Terry's had formally committed to the purchase of the property, Mr. Terry explained a new purchase and sale had been negotiated with the Pooles noting a contingency, as the Terry's current property needs to be sold, and this seemed to be the wrong time of year to sell property.

Motion: Mr. Andrew Berridge motioned that the Planning Board recommend to the Selectmen that they grant a Home Occupation permit contingent upon the completion of the sale of property (44 Willow Road) to Kenneth G. & Anita Terry. Dr. Robert Marston seconded the motion. The motion passed all in favor.

Bradbrook-(Pinebrook Spring Water, Kingston):

The board acknowledged that Kingston Planning Board held a public hearing on December 12, 1995 for a site plan review of Bradbrook, located at 57 Exeter Road in Kingston, proposing to develop a site for the removal of spring water.

Mr. Day reported that he and Lawrence Smith attending the public hearing. At that hearing Bradbrook could not get a geologist to appear at the public hearing, in order to present their technical information. Mr. Day added that the Kingston Zoning Board decided that the water was an agricultural product. As a consequence the Planning Board questioned why they were discussing this in the first place, therefore the public hearing was continued to a later date, legal council would be contacted to determine if the board had jurisdiction on the matter if the product is in deed an agricultural product, or if there is a change in land use.

Mr. Lawrence Smith added that the Zoning Board made that determination independently without any advice from Concord, nor checking with any State agencies.

Mr. Day expressed to the Chairman, and other board members an abutter concern drafted in letter to the Kingston Planning Board Chairman regarding the proposal for the development of the spring water source. It was noted the water source extends into East

Kingston and may be a source of water for residents of Willow Road and Brandywine. There could be reason for concern if additional East Kingston residents' wells are determined to be affected.

Mr. Day suggested in the drafted letter that East Kingston's concerns might be addressed if an in-depth geological/engineering study might be conducted to determine the size and capacity of the aquifer. In addition, an acknowledgment of responsibility regarding liability to abutting well owners once large quantities of water are removed. Mr. Day concluded this is a commercial use of East Kingston's shared natural resource.

Mr. Berridge would like to investigate if the Brandywine Association was notified as an abutter, and are they aware of this situation. Mrs. Campbell suggested if there was a public hearing, abutters should have been notified, and perhaps checking with Kingston will determine which abutters were notified.

It was noted that a cap of 500,000 gallons of water could be pumped daily. Mr. Lawrence Smith noted 120,000 gallons a day was the last number he was aware of.

Chairman Smith concluded this letter should be sent to the Kingston Planning Board to express concerns on behalf of East Kingston.

Master Plan update: Chairman Smith received an invoice for phase II of the Master Plan for \$1,500, as final payment due 12/31/95 for the contract period of September 1995 to June 1996.

Letter from Brentwood Planning Board: Chairman Smith noted correspondence received from the Brentwood Planning Board regarding the NH Wildlife Federation regarding the "takings" legislation. Chairman Smith was informed of the possibility of the extinction of zoning eliminating the need for planning and zoning boards if this should pass in legislature.

The Chairman gave an example; "everytime you tell someone they can't put their home thirty (30) feet from the road, the owner would then need to be reimbursed payment for that thirty (30) feet, and if you tell them they can't go twenty-five (25) feet from that sideline, you have to pay them for that twenty-five (25) feet."

Mr. Lawrence Smith suggested the point of the study skyrockets taxes, and suggests the remaining tax payers pay for that one resident suing the planning board for taking the land, is what this amounts to.

GIS Guidebook: Chairman Smith received information that a GIS Guidebook (NH Office of State Planning) would be available to NH Municipalities, intended to be shared by Planning Board, Conservation Commission, Tax Assessors, Public Works, Public Safety Officials, and RPC Commissioners.

Planning Board Secretary: Mrs. Catherine Belcher was introduced to the Planning Board as trainee for the position of secretary to the board. Currently the Administrative Assistant's work load motivated a need to delegate some responsibilities including the position of secretary to the Planning and Zoning Boards. Mrs. Belcher was recently added to the Selectmen's office staff as a part time employee, proving to be a good candidate to assume the responsibilities to the Planning and Zoning Boards in addition to assisting the AA in the Selectmen's office.

It is understood that the AA will continue to accept and oversee applications applied for through the Selectmen's Office, and will provide any support or assistance as needed by the secretary. In addition, the AA will be the "stand in backup" to the secretary to clerk any meetings the secretary is unable to attend.

Proposed 1996 Amendments to the Zoning Ordinance Public Hearing:

This meeting opened at 8:20 PM.

It was noted that there were no citizens in attendance.

The draft is attached to this minutes. The board reviewed the draft addressing proposed amendments; Home Occupations; Excavation; Back Lots; Shared Driveways; and Two-Family Dwellings. Discussion of changes to the draft are noted as follows, and will be voted to include on the ballot at the next meeting scheduled January 18, 1996.

Mrs. Campbell reviewed the amendments to the Home Occupations (Article X) as referenced to page 17 of the existing zoning book. She noted some changes resulting from discussion in past sessions. Some text was erroneously omitted in 10.3.2 and will be corrected. In 10.3.3 the word "adequately" will be removed.

Mrs. Campbell referred to the addition of section 10.4 (**Additional Standards**) intended to relax the standards of former sections 10.2.3 (25% *dwelling use*) and 10.2.4 (*non-resident employees*). This section will increase the number of non-resident employees to a maximum of four (4), and the utilization of gross floor area will be increased to no more than 50%.

Another relaxed standard amendment is *the limit of the number of home occupations in one residence* is no longer restricted as long as the requirements for each occupation is met.

Amendments to **Application Procedures** under Home Occupation will be added as 10.2.9. It was clarified that once the PB recommends to grant applications, they are "forwarded to the Selectmen" instead of "heard at the Selectmen's meeting".

Mr. Berridge was excused from this meeting at 8:46 PM.

With respect to Article VI (Lot Area and Yard Requirements) there was discussion on **driveway permits**, that the administrative authority should be given to the Road Agent instead of with the Building Inspector.

Shared Driveways was discussed, and the Chairman felt the PB could grant shared driveways in certain circumstances might be one way to address the issue. The board seem to agree to keep one driveway per lot, and allowing to share in certain situations, but not sure how to regulate. Mrs. Campbell suggested moving this issue within the Subdivision Regulations, eliminating the need for the owner to apply to the ZBA which also eliminates the cost for the additional public hearing for a variance. The board agreed to delete Article VI.E (under Lot Area and Yard Requirements).

Motion: Catherine George motion to place the proposed amendments to the zoning ordinance on the March 1996 ballot (See Attachment). Roby Day second. The motion passed. (4-0)

Mrs. Campbell opened discussion to address additional amendments for consideration for the ballot. Regarding Article III-A (Controlled Growth), the procedure for issuing building permits is currently under a fiscal year of April 1st - March 31st of the following year. It is recommended to change the year to a calendar year. If this amendment is adopted, it is understood that the first year it is proposed that only three quarters (3/4) of the building permits will be issued in the first year.

Pertaining to Subdivision Regulations, the board had previously discussed changing the width of the right of way from 60' to 50'.

An additional amendment under consideration is to increase the commercial zone for business uses on Route 108 between Sanborn Road and Andrews Lane.

Motion: Catherine George motioned to post these proposed amendments for a public hearing to be held January 18, 1996. Roby Day second. The motion passed (4-0)

Minutes of 11/16/95:

Motion: Catherine George motioned to accept the minutes of 11/16/95 as corrected. Roby Day second. The motion passed (4-0).

Motion: Dr. Robert Marston motioned to adjourn. Roby Day Second. The motion passed and the meeting adjourned at 9:38PM.

Respectfully submitted:

Sandra Johnson
Administrative Assistant