

TOWN OF EAST KINGSTON PLANNING BOARD

MEETING MINUTES

July 16, 2026

Pound School
41 Depot Road
East Kingston, New Hampshire

John Petrucelli, Chair
Tim Allen, Vice Chair
6:00PM

AGENDA

Work Session – Groundwater Resource and Protection Ordinance
Pappalardo Family Realty Trust – Subdivision – Public Hearing – Case# 2026-02
Joe Oliveira – Subdivision – Public Hearing – Case# 2026-03

Board Members Present: Tim Allen – Vice Chair, Catherine Belcher – Alternate, Joe Cacciatore – Ex-officio (6:03pm), Ellen McIntyre – Alternate, Christopher Mierswa (6:07pm), John Petrucelli – Chairman, and Jonathan Slaven.

Advisors Present: Town Engineer Dennis Quintal, RPC Planner Nicole Berry, RPC Planner Jenn Rowden, and Deputy Fire Chief Matt Gallant.

Others Present: Gordon Powers, Sal Ragonese, Barry Giers PE, Jonathan Lefebvre PE, Marie Nadeau, Joe Oliveira, Oksana Karcha, Adam Barss and other members of the public who did not participate in any discussion.

Chairman Petrucelli opened the meeting at 6:00pm followed by roll call.

WORK SESSION – GROUNDWATER RESOURCE PROTECTION ORDINANCE

RPC Planner Rowden distributed three documents for review and discussion (draft Groundwater Ordinance, NHDES Source Water Protection Mapping, and Assessments and Recommendations Summary Report). She began with a review of the draft Groundwater Ordinance noting that this work is being funded by a grant and then proceeded to go over the highlights of the ordinance noting the following:

- Background Information and Adoption Process
- Authority and Conditional Use Permit noting an applicant cannot appeal a decision on a conditional use permit to the ZBA but only to Superior Court as outlined in RSA 677:15
- Purpose – tied to the Master Plan and not retroactive
- Definitions – with a review of key definitions
- Review of the NHDES Source Water Protection Map highlighting the location of aquifers, supply wells and community water system wells which would be covered under wellhead protection areas as designated by NHDES.
- Two options to protect groundwater (aquifer and aquifer and public water supplies)
- Identified toxic or hazardous materials
- That the ordinance applies predominately to business uses and not residential use
- The Light Industrial Park on Haverhill Road is located directly over an aquifer
- District Boundaries – the board will need to decide if they want the ordinance to cover aquifers only or aquifers and wellhead protection areas.
- Appeals process
- Use Regulations and Requirements (lot size, site coverage)

- Performance Standards (stormwater management for conditional use, spill prevention, control and countermeasure plan for conditional uses) – goal is to keep anything toxic from touching the ground utilizing storage containers, security for outside storage, labels, monitoring land disturbances, and transfer of petroleum practices.
- Source control plans specific to PFAs
- Hydrogeologic studies that would be determined on a case-by-case basis.
- Prohibited uses (snow dumping is rated as the highest toxin to water supplies)
- Permitted uses
- Conditional uses
- Granting conditional use permits (the board may opt for transferable or nontransferable permits)
- Non-conforming uses (pre-existence and abandonment)
- Exemptions (private residences are exempt with the exception of lot size and lot coverage, capacities of less than five gallons are stored, home heating oils, temporary storage, use of pesticides, underground and aboveground storage tanks)
- Effective date – upon passage by voters
- Enforcement – Board of Selectmen or their designated Code Enforcement Officer, inspections and fees for inspections

The next step in this process is for board members to familiarize themselves with the proposed ordinance and then provide input on the optional portions of the ordinance, make determinations about which protected sources should be included, and continue discussion.

Chairman Petrucelli placed this item on the August agenda.

Noting there was time to spare before the public hearings could begin, Chairman Petrucelli modified the order of the agenda as follows:

APPROVAL OF MINUTES

Board members reviewed the meeting minutes of June 18, 2026, noted corrections and requested further review of a motion made by Vice Chair Allen. Chairman Petrucelli directed the approval of the minutes be postponed to the August meeting.

PUBLIC HEARINGS

PAPPALARDO FAMILY REALTY TRUST– PUBLIC HEARING – 14 TILTON LANE – CASE # 2026-02

Chairman Petrucelli opened the public hearing at 7:00pm for Pappalardo Family Realty Trust who proposes to create a 17-lot conservation subdivision on property located at 14 Tilton Lane (MBL# 14-3-12) consisting of 42.67 acres. He noted that at the last meeting the board granted the waiver request relative to the cul-de-sac length and further requested clarification on lot sizes and drainage with respect to the yield plan.

APPLICANT'S PRESENTATION

Professional Engineer Barry Gier handed out revised plan sets and then provided an overview of the last meeting citing the board had accepted the alternate yield plan with an emergency gated access on to East Road (accepted for the purpose of replacing the first one; however, density determination has not been completed), and granted the cul-de-sac length waiver to which they submitted revised plans last week. He further presented that they are proposing the

emergency access easement be held and maintained by the homeowners' association, and that the easement area was removed from open space counts. He stated they also revised stormwater features that include a gravel basin behind lot #2, an infiltration basin and new treatment swale, as well as revised lots and culverts which are shown on the revised plan. He noted that a new drainage report has been submitted along with a response letter regarding the Town Engineer's April 15th review letter.

With respect to the alternate yield plan, he said they analyzed the drainage design and found that cluster subdivision design requires 1.9 sf of storm water treatment area for every square foot of roadway and that the yield plan provides 1.19 sf of treatment. This is the same for both the yield plan and the cluster plan. He stated they also provided map checks and CAD of the yield plan for review.

PROFESSIONAL REVIEW

Town Engineer Quintal referenced his professional review letter dated July 16th, 2026 in response to the newly submitted plans and reports dated July 9th noting he has had limited time to conduct a comprehensive review due to the date of receipt. He noted that some of his (Quintal's) previous comments have been deleted as the applicant has addressed them, that he left some comments in place that the applicant has agreed to do as a means to not lose track of them, and he also added new comments. He then presented his engineering review as follows:

1. Title & Sheet AI -- Pending NHDES permit approval numbers must be added to these sheets. *Response states that they will be added prior to final approval. Keeping this comment for tracking purposes.*
2. Perhaps the surveyor be able to provide a closure printout to prove the open space calculations. *Response states that they will be provided prior to final approval. Keeping this comment for tracking purposes.*
3. Conservation Subdivision Article XI.M-This regulation requires the development to have a 100-foot landscape buffer around its entire perimeter. This plan shows design encroachment of the storm water treatment areas within this natural buffer zone. *Response states that the stormwater features have been removed. However, I find some grading for both basins, the outlet pipes and riprap are in the open space buffer area which is not to be disturbed. Please redesign it to show no impact on the natural buffer zone.*
4. Sheets A3 & A4 -- Surveyor and Wetland Scientist stamps must be added. Surveyor lot closure statement must be added. *Response states that they will be added prior to final approval. Keeping this comment for tracking purposes.*
6. Sheet CI- Soil Scientist stamp must be on this sheet. *Response states that it will be added prior to final approval. Keeping this comment for tracking purposes.*
8. Sheet C2 -- Provide Road Names to the proposed development. *Response states that they propose the name of Tudor Lane for the cul-de-sac off Tilton Lane. Keeping this comment for tracking purposes.*
9. The Applicant must consult with the US Postal Service since a mail Kiosk location and design will be required and shown on the plans. If individual mailboxes are allowed, I recommend each mailbox be located off the edge of pavement with a 5' apron between the edge of pavement and the box. *Response states that they are working with the US Postal Service for design & placement. Keeping this comment for tracking purposes.*
10. Sheets C2 & PI -The vernal pool is a sensitive area for endangered wildlife species. The road has been designed to be very close to the edge of the pool and could impact on its future function. A larger buffer is recommended. The proposed building shown on Lot 11 should be farther from the vernal pool. *Response states that the design maintains the required setback. The concerns have been presented but not addressed.*
14. The soil test pits on this property show fine sandy loam with high seasonal water table. To construct a new roadway over this property and assure groundwater will not impact the long-term life of the road surface, proposed underdrains are shown and should extend fully around the cul-de-sac. The bottom of the proposed underdrains should be 4 feet

below proposed finish grade. Show underdrain on the profile. *Response states that underdrains have been added.* **The plan shows the uphill starting at station 12+10 but they should go all the way around the cul-de-sac to intercept groundwater from impacting the roadway and be shown on the cross sections.**

15. I note the road crossing culverts at Sta 8+60 and 9+80 are 12 diameter. After discussion with the Town Road Agent, I recommend that culverts under the roadway be minimum of 18" to reduce the possibility of the culverts being plugged with leaves, sticks, etc. Please be sure there is a minimum of two feet of cover over each roadway culvert. P202 now has less than 2 feet of cover. *Response states that crossing culverts have been updated.* **I find that culvert P205 & P206 may not have enough cover. Please check and revise if necessary.**

21. **Drainage not reviewed yet.**

23. **Drainage not reviewed yet.**

24. Sheets D4 & D5 -I recommend sheets D4 & D5 be reviewed by the Fire Department or an engineer who specializes in Fire Codes and requirements. **The plan should show proposed grading and drainage needed around the cistern area. Show cross section, water table, and buoyancy calculations on a separate plan.**

27. Section VII.N -- Street names must be reviewed and accepted by The Town Emergency Management. *Response states that the name will be submitted for approval by the Town Emergency Management department.* **Keeping this comment for tracking purposes.**

28. Section VII.Q - The Applicant should provide A Construction Bond and Reduction Worksheet for the development of Tilton Village Estates. It must be reviewed and approved by the Planning Board. *Response states that it will be provided prior to final approval.* **Keeping this comment for tracking purposes.**

29. Section X.B.4-Corner Bounds. Lot 15 needs more corner bounds. I recommend any lot line over 200 feet have an intermediate Iron Pipes placed to identify property limit. A Bound Certification of Monumentation must be submitted prior to the final mylar. *Response states that additional corner bounds have been added.* **True. But intermediate iron pipes have not. As these lots are clustered with homes closer, lot line limits should be easily determined if necessary to minimize future disputes. See Section X.B.4.d. requiring monument spacing less than 200 feet.**

DRAINAGE REVIEW

Comments 30 --36 Drainage has not been reviewed yet.

37. I have concern for the existing conditions of Tilton Lane. This roadway was constructed many years ago and has been limited to little traffic flow. With all the proposed construction vehicles for developing this site this roadway will not survive without some impact. I believe the Board should consider propose requiring a Bond to cover any ultimate damages. The bond amount should cover total reconstruction as well as 25% inflation cost. *Response states that the Applicant will work with the Town Engineer to determine the appropriate bonding cost prior to final approval.* **The existing Tilton Lane was constructed many years ago for one house lot. The design road construction requirements have changed over time. I believe the existing Tilton Lane should be designed and reconstructed according to current design requirements to serve all the many new houses. The design should be provided to the Town now, reviewed and approved by the Board before final approval.**

38. All required stamps (surveyor, engineer, soil/wetland scientist) should be on final plans. *Response states that all stamps will be included on the final plan set.* **Keeping this comment for tracking purposes.**

39. The Stormwater Management Operation and Maintenance Manual should be recorded with the Final Plans. *Response states that the manual will be recorded with the final plans.* **Keeping this comment for tracking purposes.**

YIELD PLAN ADDITIONAL COMMENTS

8. I recommend the Yield Plan be stamped by a licensed Land Surveyor. *Response states plan will be stamped. Keeping this comment for tracking purposes.*

NEW ADDITIONAL COMMENTS

10. Yield Plan lot area calculations have been provided to prove each lot has minimum of 2 acres. **This has been reviewed and is true.**

11. Any approved **Waivers should be noted on the recorded plan.**

12. I would suggest that the **proposed drainage areas be maintained by the Development Association.**

13. On Sheet A2 Site Note #8 refers to (lot 18). **Please revise as there is no lot 18.**

14. I would recommend that a **Phase Development Plan be prepared and submitted for review.**

15. **A note should be added that "No building permits be issued until the roadway construction is completed to base layer of asphalt."**

16. At road station 0+50 RT, the proposed contours show excavation of the existing driveway to 3-18. **I recommend a specific detail be provided to show required grading for roadside drainage as well as providing minimal impact to grade of the existing driveway.**

17. The plans now show an Emergency Access Drive (EAD) from the cul-de-sac to Route 107. **As this is to be maintained by the Project Association, it should be noted on the recorded plan accordingly.**

18. For the EAD, to allow emergency vehicles to enter & exit, **the pavement width should be a minimum of 20 feet wide and labeled accordingly. All other Town road construction requirements should be met including underdrains.**

19. **Section VII.J -- So far as practicable maximum road grade shall not exceed 5%. Section of the EAD is at 5.6%. With a smaller vertical curve at the beginning 5% may be achieved.**

20. **Identify the type and detail of fencing that is proposed around the storm water basins.**

21. **Sheet D3 Drainage Easement #2 is labeled Infiltration Basin #1. I believe it should be #2.**

22. After a brief look at the Post Development watershed plan, I note that on **the sub watershed 208 on Lots 1 & 2 the watershed limit is not perpendicular to the existing contour lines. It appears that most of the runoff from the rear of these lots will flow off site and not into Basin 1. It may not be significant enough to affect the stormwater results, but the limit should be correct.**

23. **The Time of Concentration Line on Lot 4 is shown to begin down slope of the roadway. This needs to be corrected/changed.**

Town Engineer Quintal also noted that a portion of the drainage application lists the project as Kensington Realty Partners LLC. This needs to be corrected.

Mr. Gier noted that they will address all the items noted. They are working with the Post Office now, and do not have an issue with the other items on the list. There was talk about the vernal pool, but now that they meet the setbacks to that pool, he's not sure what more the board needs.

Town Engineer Quintal responded that there are no further setbacks to the vernal pool in the regulations, however, this is a very sensitive area in which protection of it should be paramount. He is worried that three sides of the pool will be impacted by the underdrains thus ultimately drying up the pool. Since it is up slope to the underdrains, and there is a well and house close by, installing some sort of fence around it might help.

BOARD QUESTIONS AND COMMENTS

Vice Chair Allen spoke to the drainage treatment areas noting Plan 3C shows the drainage treatment areas inside the buffer zone.

Mr. Gier responded that they are not although there is a grading in the buffer zone which they can add vegetation to further buffer the area in the areas of the discharge pipe.

Vice Chair Allen noted the most northly portion of the drainage areas appears to show a drainage pipe encroaching into the 100-foot buffer zone by 40 feet. This will also result in there being equipment into that area which would ultimately mean disturbing the buffer area by 60-70 feet. He asked if that pipe could be pulled back out of that buffer area.

Mr. Gier responded that the buffer is down slope of the treatment features which is where the water needs to go and to reach the elevations they have to extend the pipe that far into the buffer zone. They are willing to add additional screening to shield the golf course.

Vice Chair Allen stated that the screening is only one portion of the buffer zone, the other is the conservation of that area. He asked if there was a way to pull that pipe out of the buffer.

Mr. Gier stated that they could look at it, but it is his position that this is overkill as the regulations allow for additional screening if there is not enough buffer. They will vegetate as needed.

Town Engineer Quintal commended Mr. Gier for trying to make things work on the parcel, even changing the drainage structures; however, the outlet pipe is 3-4 feet down slope of the edge of the 100-foot buffer and that, in most cases, drainage designs begin at the lowest slope. The lowest slope here is 3-4 feet below the location shown on the plan. It is not unreasonable to have the outlet pipe outside the 100-foot buffer. Although the applicant is trying to keep everything into that tight drainage design to salvage their 17 lots, the most important thing to the board is not the number of lots but the preservation of the 100-foot buffer area. The drainage design needs to stay out of the buffer and granting waivers from this requirement would be difficult as the drainage can be located outside the buffer.

Mr. Gier asked for the board to look at this practically in that he believes the design meets the intent of the regulations.

Vice Chair Allen responded that they should design the drainage system by starting with the upland that is available. Knowing the 100-foot buffer is not to be penetrated, they should design from that starting point. The cluster plan appears to be designed to the most minute tolerances of fitting everything into a specific space. They are utilizing bits and pieces of upland in which everyone knows the upland is supposed to be contiguous even though the regs don't specifically say it. Using a little piece of upland across an ocean of wetland for calculating the creation of an additional lot does not comport with the spirit of the regulations. Encroachment into the buffer zone is another item to compound in getting the greatest number of lots. It seems to be one thing after another of squeezing and squeezing to maximize the density of this development. He does not understand why the board should yield on a pretty well-defined 100-foot buffer requirement so that the applicant can get an additional lot. Although he appreciates the redesigning efforts being made, the reason these problems keep coming up is because the applicant is trying to squeeze too much into the design. It is not unreasonable for the board to say they don't want development in the buffer. There is a very clear way to not be in the buffer and that is to give the drainage area a little more room.

RPC Planner Rowden read Section M Landscape Buffer which states that *the buffer may consist in whole or in part of existing natural vegetation and forest and if preserved and maintained in a natural condition, the landscaped buffer may be included in the conserved open space*. She inquired what the calculations of the impact are as she opined that it doesn't matter as long as the total calculations are met.

Vice Chair Allen responded that he was one of the drafters of that ordinance and the intent of that landscape buffer is to preserve the buffer zone, it doesn't say anywhere that the 100-foot buffer should not be maintained.

Town Engineer Quintal stated that he was around when the ordinance was being drafted and the board had ideas of areas where such a development could take place (likely an open field type of parcel) which was why the landscape buffer was added. The wording is designed to allow for additional plantings to maintain a natural buffer, but if there were already natural trees in the buffer, the intent of the ordinance was to keep the natural trees as a buffer without disturbing that buffer.

Ex-officio Cacciatore asked how the applicant is not meeting the ordinance to which Vice Chair Allen responded that a 40-foot pipe into a 100-foot buffer does not maintain a 100-foot buffer – rip rap, a swale and outflow pipe, will not leave the buffer in its natural state.

Mr. Mierswa agreed, noting that if that portion of the setback is used then it must also be subtracted from the open space calculations.

Vice Chair Allen stated that although it is true there could be a problem with open space calculations if the buffer area calculations are subtracted, they still have a problem with not maintaining the 100-foot buffer. Everything is being pushed to the limit and if they push everything to the limit, then they should comply with the letter of the law. A 40-foot encroachment into the buffer zone does not meet the letter of the law. There is no reason to be in the buffer except that the applicant doesn't want to do it.

In response to RPC Planner Rowden's question about an outlet structure being designed with landscaping on top, Town Engineer Quintal stated that it was possible to a degree, as any disturbed area can be replanted, however, raising the outlet pipe up 3 to 4 feet can be done which would result in the pipe not encroaching into the buffer zone.

Mr. Gier responded that anything can be done with enough money. He stated that every stormwater feature has design requirements, and he believes he is meeting those requirements. He stated that they can take a look at it and maybe do something more vegetated where it wouldn't be obvious unless it was raining. He does believe that the regulations allow for greater screening which they can add.

Mr. Slaven stated that Mr. Gier's offer to do more vegetation does not address the fact that the pipe encroaches into the buffer by 40 feet, and he agrees with Mr. Allen that this tight design is for the purpose of maximizing the number of lots, in this case 17. He then asked whether the buffer zone allows for a trail system should the residents want one.

Mr. Gier stated that he believes the ordinance allows for passive trails but not specifically trail systems.

Alternate McIntyre opined that there is a buffer written into the ordinance for a reason and the applicant can easily address this problem by eliminating lot #2 and using it for a drainage easement.

Mr. Mierswa inquired if drainage easement #2 also encroached into the buffer zone to which Mr. Gier said it does encroach and that the encroachment is predicated on the elevation.

Chairman Petrucelli agreed about maintaining the buffer in its natural condition and stated the buffer is there for a reason.

Mr. Slaven stated he would like to see the encroachment fixed.

Vice Chair Allen stated he would like to see the applicant propose a drainage solution that does not penetrate the buffer in any way, shape or form.

Ex-officio Cacciatore stated he has already given his opinion.

Mr. Mierswa stated he can see both ways (applicant and board) but he sides 60-40 with Mr. Allen in that it is a 100-foot buffer that should not be disturbed – it is not just a screening issue.

Vice Chair Allen stated he had a hard time yielding to requirements when there are alternatives.

Mr. Slaven agreed and noted the issue is not the size of the development, as it could be a 3-lot subdivision, it is the fact that the buffer zone is not being maintained.

MOTION: Vice Chair Allen motioned the applicant revise the plan to show the drainage treatment system and easement, and every part of the drainage treatment system, be outside of the 100-foot buffer; seconded by Mr. Slaven. The motion passed 4-1-0 (Ex-officio Cacciatore opposed).

PUBLIC COMMENT

Chairman Petrucelli opened the hearing to public comment.

Adam Barss of 14 Tilton Lane stated he would like to see the proposed road moved farther north away from his driveway. He stated that on Tuesday a company came to clean the existing barn which is on the applicant's property which was fine by him. The crew arrived at 6:20am and began work at 7am; however, from 6:20 to 7 he had to listen to them set up their equipment which included having to listen to back up alarms. Additionally, there were black turkey vultures nesting in the barn and had been for 6 years. The nest was torn down which requires a federal permit. He stated he has brought that up in the past as well as the disturbance to the natural habitat. He completely supports keeping the 100-foot buffer.

There being no other public comment, Chairman Petrucelli closed the hearing to public comment.

BOARD QUESTIONS AND COMMENTS

Vice Chair Allen, giving consideration of the time for applicant, asked if there were any other big issues that they should get on the table so that the applicant can prepare as part of the ongoing hearing.

Alternate McIntyre inquired about the rest of Tilton Lane noting its current condition and size.

Mr. Gier noted that Tilton Lane is a town road and that the applicant will get a performance bond to address any damage done to that road during construction. They have no intention of widening the road due to the cost involved and that they are only required to repair any damage done to the road.

Town Engineer Quintal stated that during construction, the heavy equipment will likely damage the road, thus the applicant will be required to have a road bond. The concern here is that Tilton Lane was constructed for a single house lot, it was never constructed to bear the type of traffic that a 17-lot subdivision would bring – it does not meet today's standards of a town road. He expressed concern about the current gravel depth, drainage, and the road width and noted it would be reasonable for the board to have concerns about this. The regulations state that the applicant will work with the Town Engineer to determine whether the existing road conditions are alright; however, he does not feel they are alright. He recommends there be some plans drawn up for that section of road that would make it appealing for people coming into town to buy a multimillion-dollar home. The main access road to those homes is not even built to today's code. Surely the applicant would be concerned about the appearance of the road.

Chairman Petrucelli suggested that the road be moved away from the Barss' property to allow a greater birth for privacy and enjoyment of their property and then asked the applicant to consider that.

Mr. Gier stated they can look at offsite improvements, but they will not be reconstructing Tilton Lane – that road should have been built to standards, and it is not a matter for the applicant. He further noted it is not a small thing to move the access' right-of-way, as doing so may cost them a building lot. He stated they are okay with gives and takes but feel that the applicant is only doing the giving.

RPC Planner Rowden spoke of off-site mitigation whereby the town and applicant would reasonably and proportionately make improvements to the road.

Vice Chair Allen spoke to Mr. Gier's comment about give and take and noted the board granted a significant waiver which more than doubled the cul-de-sac limitations. In yielding to that waiver, the board has now allowed what

appears to be 17 house lots and 35-45 more car trips per day up and down Tilton Lane. That road was constructed as essentially a driveway. That the road will deteriorate with that increase of traffic in just a couple of years. He agrees with the other board members that this needs to be addressed and further inquired on who determines the term, "reasonable?" The townspeople should not have to bear all the cost to redo the road for a new development.

RPC Planner Rowden stated that intersections are typically updated, or only a portion of the road with respect to offsite improvements. Does the town already have a plan in place for what needs to be done to the road as this would be the starting point for determining what is reasonable and proportional?

Vice Chair Allen asked how they should proceed to determine the condition of the road – the Town Engineer, the applicant, an independent party?

Town Engineer Quintal referenced his earlier comment on the condition of Tilton Lane and summarized the intent which is to have the applicant provide a plan that shows the existing conditions and what could be done to bring it closer to town standards. Then the town can take a look at it to determine what should be done so that it does not become a burden to the taxpayer. The board needs to understand what improvements will be needed to bring it up to the standards for a 17-lot subdivision. This might mean intersection improvements, deceleration or breakdown lanes, which have been required of other subdivisions in the past.

Chairman Petrucelli directed the conversation back to determining proportionality and total cost to which RPC Planner Rowden stated requiring the applicant to completely re-do Tilton Lane is probably not proportional and that it is the board's responsibility to determine that proportionality. One approach might be to determine the costs associated with bringing the road up to standards and then determine a reasonable proportionality.

Mr. Gier stated that offsite improvements would include intersections, and turn lanes, etc. as the road already exists. It's not the developer's fault that the road is not built to standards even though the developer could cover some of the costs to bring it up to standards, but certainly not the total cost.

Mr. Mierswa stated they would need some figures to determine the proportionality which would require some level of design.

Mr. Gier stated that the applicant might consider widening the road by two feet but not building a new road with drainage as that is not proportionate. They will provide an existing conditions/cross section plan for review at the next meeting for further discussion.

Vice Chair Allen stated he agrees that the applicant shouldn't be responsible for the full cost to redo the road, but the board does need to determine what improvements are needed to ensure it can handle the increase in traffic. Are there other options to sure-up that road (better asphalt, recapping).

Mr. Gier stated that they would look at other options as well. He then asked for clarification on the design of the emergency access road (width/height clearance) to which Deputy Fire Chief Gallant informed him that NFPA 1 requires a 20-foot width and a 13'6 height clearance. With respect to the cistern plans, he stated he does not see the three inspection ports and manholes to grade.

Vice Chair Allen asked where the board stands on asking the applicant to create a larger buffer around the Barss' property as a good faith effort to this abutter.

Mr. Mierswa responded that the board should investigate this as they are already investigating the road.

Mr. Gier stated that the frontage of the development has a different buffer set back (200 feet) and curving the roadway more towards the left away from the Barss' property would impact that buffer.

MOTION: Chairman Petrucelli motioned the applicant investigate creating an S-curve around the start of the new pavement to create a greater buffer around the Barss' property; seconded by Mr. Slaven. The motion passed 5-0-0.

Town Engineer Quintal raised his comment about having the homeowners association maintain the drainage areas in place of the town. RPC Planner Rowden noted this could be one of the conditions of approval. Additionally, they can look at a road bond when a new plan is provided.

Noting the 65-day clock, Chairman Petrucelli asked if the applicant would consider continuing the public hearing to the August meeting to which Mr. Gier agreed.

MOTION: Vice Chair Allen motioned to continue the public hearing for Pappalardo Family Realty Trust, PB Case #2026-02 with the concurrence of the applicant to August 20, 2026 at 7pm; seconded by Mr. Slaven. The motion passed 5-0-0.

Chairman Petrucelli closed the public hearing on PB Case #2026-02 at 8:14pm.

JOE OLIVIERA – PUBLIC HEARING – 168 NORTH ROAD (PB Case# 2026-03)

Both Mr. Slaven and Alternate McIntyre recused themselves from this case and took a seat in the gallery as they are abutters to the parcel in question. Chairman Petrucelli then designated Alternate Belcher as a voting member.

He then opened the public hearing at 8:16pm for Joe Oliveira who proposes to subdivide 168 North Road (MBL# 16-3-5), a 7.38-acre parcel, into 2 residential lots measuring 5.27 and 2.11 acres respectively. The applicant is also seeking a waiver from Subdivision Regulations Section VII.A - General Requirements for the Subdivision of Land in that to the maximum extent possible, all newly created lots shall be rectangular in nature and at no point shall any lot be narrower than one hundred twenty-five feet (125').

Chairman Petrucelli also noted that this hearing was rescheduled from the June meeting due to abutter notification requirements and that Professional Engineer Jonathan Lefebvre received the professional review comments back in June so that he could address them at tonight's hearing.

Mr. Lefebvre introduced himself as representative for the applicant and then thanked the board for their assistance in getting through the abutter issue at the last meeting. He stated the property owner is trying to subdivide his property into two lots. The parcel was previously owned by Joe Conti with small pieces sold off in the 1950s-60s and subsequently subdivided again in 1995. The main dwelling is positioned on the left side of the subdivision which also shows some improvements. The reason for the irregular shape of the newly created lot was to keep the existing buildings with the original home including a concrete pad that is used for parking. The shed located on the new parcel will be removed or relocated.

He stated they are asking for a waiver from the 125' parcel width and rectangular shape requirements. He then reviewed the comments from the Town Engineer dated June 10, 2026 and provide the following responses:

1. State Subdivision Permit is required for any lot less than 5 Acres. The permit should be obtained prior to Town final approval and added to the plan. **RESPONSE: This permit will be obtained and approval number added to the plan.**
2. State DOT driveway access permit must be obtained prior to final approval from the Board. The Permit Number to be listed on the final Sheet for recording. The State requires 400-foot clear line of sight distance in each direction when a vehicle is entering their highway. The proposed driveway location does not meet this requirement. **RESPONSE: A sight distance Exhibit Plan was provided depicting grading to the banking as well as some tree trimming in front of the parcels to show sight distance could be obtained. Obtaining driveway permits for both lots from the DOT will not be a problem to which these permits could be a condition of approval.**
3. Provide Approval Number for the existing waste disposal system. **RESPONSE: He has a copy of the approval with him and will add this number (CA201315683) to the plan.**
4. A fenced garden area extends over the proposed lot line. Will the fence be moved or an easement provided? **RESPONSE: The fenced garden will be part of the new lot.**

5. A second page will be required for recording since the Registry of Deeds will not record plans that have topographic lines. Also, writing over text is not acceptable. **RESPONSE: Two sheets will be provided; one with clean lines depicting the newly proposed lot lines for recording and the other topography and soils.**
6. A mylar shall be provided to the Town to sign. **RESPONSE: A clean mylar showing subdivision lines will be provided.**
7. A Bound Certification must be provided by the Surveyor for the monuments set. **RESPONSE: This to be done once the application is approved and as a condition of approval.**

He then reviewed the comments from the RPC and provided the following responses:

1. Subdivision Approval – This application will require subdivision approval by the Planning Board under the East Kingston Subdivision Regulations. **RESPONSE: Will obtain approval and put on the plan. He generally waits to do this until they have at least one meeting with planning boards.**
2. Section VII- General Requirements for the Subdivision of Land Waiver - Under Section VII.A. of the Subdivision Regulations General Requirements, it states lots shall be formed to meet reasonable standards of design and procedures for subdivision, in order to further the orderly layout and use of land to ensure proper legal descriptions and monumentation of subdivided land and promote clarity of ownership. The regulation also states that subdivision design should reflect the basic elements of sound development to preserve the character of land and lots that are practicable and easily identifiable by property owners and town officials. To the maximum extent possible, all newly created lots shall be rectangular in nature. At no point shall any lot be narrower than one hundred twenty-five feet (125'). The applicant is requesting a waiver for Section VII.A. **RESPONSE: A waiver is being requested to allow for the existing infrastructure to remain as part of the original parcel.**
3. Permits – The proposal appears to require the following permits, the NHDES State Subdivision Permit and the NHDOT Driveway Permit for both lots. **RESPONSE: Permits have been applied for and permit numbers will be added to the plan.**
4. Zoning Comments
 - a. Article X – Floodplain Development
 - i. Article X.B: All proposed developments in any special flood hazard areas shall require a permit. It is important to note that majority of the proposed lot is a flood hazard zone. **RESPONSE: In summary, the flood maps are not precise as they were developed in the 1970s (lines were exaggerated) thus information can now be sent to FEMA who will determine if the area is actually in the flood zone. The new lot can accommodate a building envelope outside of the area that may be actually located in the flood zone.**

Mr. Lefebvre also noted that to satisfy the fire suppression requirements, there is a dry hydrant located 500 feet east of the driveway to which he can note on the plan.

PROFESSIONAL REVIEW

Town Engineer Quintal expressed concern about the sight line of the driveways noting the DOT will also consider snowbank build up in the wintertime as that is the most dangerous time of the year when exited the driveway. The state may require greater elevation due to snow. Additionally, the regulations (Section X.D.4.d) require monumentation for boundary lengths longer than 200 feet to have median iron pins and that the back property line exceeds 200 feet. Mr. Lefebvre agreed to add iron pins where necessary.

INVOKING JURISDICTION

Chairman Petrucelli noted the application appears to be complete enough to accept jurisdiction; Vice Chair Allen agreed.

MOTION: Mr. Mierswa motioned to take jurisdiction on the Oliviera 2-lot subdivision plan located at 168 North Road; seconded by Ex-officio Cacciatore. The motion passed 5-0-0.

WAIVER REQUEST

Chairman Petrucelli then opened discussion on the waiver request. Mr. Lefebvre explained the rationale for seeking a waiver in that in order to maintain building setbacks for the barn and include the concrete pad which is used by the applicant for parking at the main home, boundary lines were drawn as simply as possible; however, the 125-foot minimum width requirement could not be kept at one point. Although the actual distance is not noted on the plan, nor could he recall the exact measurement, he stated he was sure that it was at least 100 feet.

Vice Chair Allen inquired about the upland on the new lot to which Mr. Lefebvre stated the only wetlands are along the brook and at the back of the property. He stated he doesn't know the exact calculation for upland except that it's a high number. He stated he would add the calculation to the plan.

Vice Chair Allen also inquired about the main parcel's existing boundary monumentation to which Mr. Lefebvre noted the bounds on the parent property were all located and a survey of the full property was conducted and further referenced in a recorded plan dated 1995 as well as a more recent lot line adjustment.

Responding to Mr. Mierswa, Mr. Lefebvre stated that the proposed design creates less of a jagged property line design versus if they widened the narrow area. He is choosing less lines than making the parcel wide enough which would add more jagged property lines. The line itself also follows existing features.

Town Engineer Quintal stated that using a ruler to scale, the narrow area appears to be just over 100 feet.

PUBLIC COMMENT

Chairman Petrucelli opened the hearing to public comment.

Jonathan Slaven of 2 Giles Road stated that he has recused himself from the board as an abutter thus he will not be voting on the application. He noted concerns about the sight distances on both driveways. He asked where the building envelope is on the new lot to which Mr. Lefebvre replied he did not have time to update the lot to show it. Mr. Slaven continued to explain that his own parcel across the street used to have a driveway on Route 108; however, the state relocated it to Giles Road due to it being a safety issue. He stated that because he works from home and due to the proximity of his house to the road, he can hear the traffic fly through that area. Although the speed limit is set at 40 mph, no one seems to keep to it. When the applicants exit their existing driveway, they are regularly met with people honking their horns in an effort to avoid an accident. He has very serious concerns about adding another driveway to that curve in the road. He then inquired if the applicant would consider a shared driveway. He stated he is not opposed to the subdivision itself, but only to the location of the new driveway. The sight distance requirement is based on 40 mph, but as previously stated, no one goes 40 mph on that section of roadway.

Mr. Lefebvre stated that when they submit a request for permit on the new lot, the state will also review the existing driveway. Cutting the curb will address sight distance for both driveways. With respect to a shared driveway, he stated the applicant is allowed three curb cuts by the state and they will utilize that right.

Regarding his comments on the waiver request, Mr. Slaven stated that there are reasons for the subdivision regulations and that the board should keep to them. They should not squeeze lots into places where they can technically fit and then create safety issues. More than half of that parcel is wetlands.

Ellen McIntyre of 38 Autumn Lane inquired about the frontage on the parent lot to which Mr. Lefebvre replied it measured 289.9 feet and that they will remove some of the curb to address the sight distance for both driveways which is why they needed to shift the driveway to the left.

There being no other public comments, Chairman Petrucelli closed the hearing to public comments.

BOARD REVIEW OF WAIVER REQUEST

The applicant is seeking a waiver from Subdivision Regulations Section VII.A which states, “Subdivision design should reflect the basic elements of sound development to preserve the character of the land and lots that are practicable and easily identifiable by property owners and town officials. To the maximum extent possible, all newly created lots shall be rectangular in nature. At no point shall any lot be narrower than one hundred twenty-five feet (125’).”

Vice Chair Allen noted that the original parcel itself is not rectangular in shape and that no matter how it is subdivided, it would not be rectangular – there is a jagged type edge of the parcel which is a pre-existing component of the parcel. However, there are four specific criteria that are required in order for the board to grant a waiver:

1. *The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.* Board members agreed this criterion has been met.
2. *The waiver will not, in any manner, vary the provisions of the East Kingston Zoning Ordinance, Master Plan or Official Maps.* Board members agreed this criterion has been met.
3. *Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.* The overall objective of the requirement is to keep uniform rectangular lots; however, this lot was not rectangular to begin with. Board members agreed this criterion has been met.
4. *A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver.* The parcel already has a cattywampus edge; however, the applicant can avoid the need for a waiver by simply moving the lines around that irregular edge and adding two iron pins which wouldn’t interfere with the location of the barn or the concrete pad – it only adds two pins.

Mr. Lefebvre stated the reason they designed the second lot that way was to avoid the continuance of the jagged boundary line which he feels is accomplished by utilizing straight lines which would then require a waiver; however, he is fine with redesigning the second lot to maintain the minimum 125-foot width requirement. It is just a matter of preference.

Mr. Mierswa stated that there is really no difference to him about the two options as it appears the boundary line is only about 25 feet off. The lot is already irregular. He would be comfortable granting the waiver as Mr. Lefebvre designed it this way to try and stay more to the shape of a regular lot.

RPC Planner Rowden stated that most towns have the requirement for more uniform shaped lots as they have found that straight lines are easier for property owners to deal with.

Mr. Lefebvre tried to show how an alternate boundary line could be drawn and noted the obstacles involved which would require more thought in how best to accomplish this. The permanent concrete pad goes along with the existing barn.

Vice Chair Allen stated a waiver is supposed to be for a hardship or unusual feature about the property not simply because the applicant wants it. Waivers are a tool to provide relief when relief is needed. He could be swayed either way in this case, but that the board may not be able to vote on the application tonight anyway as the board will need an actual distance on the width where the waiver is being sought.

RPC Planner Rowden noted that the board does have a scaled plan for which they can get a close measurement of the narrowed point. This way the board could act on that waiver tonight.

Alternate Belcher stated she understands Vice Chair Allen’s point that we don’t grant waivers if we don’t need them; however, what is unique in this situation is that there already is a concrete pad feature and that since the narrow point of the parcel is so far back on the parcel, she is inclined to grant the waiver. Had the narrow point been somewhere in

or near the building envelope, she would feel differently. There is something about having straight lines for boundaries that are work best for property owners.

Town Engineer Quintal stated that in using the scale on the plans, it looks like the edge of the barn to the far end of the boundary line measures 150 feet which brings us closer to the actual measurement.

Vice Chair Allen responded he is okay with the waiver as long as the narrow width is not less than 100 feet.

RPC Planner Rowden stated that the board could vote on the waiver and cite a condition that if the distance of the narrow point of the new parcel is less than 100 feet, then the applicant must come back to the board. The board is only granting a waiver for 100 feet or more.

MOTION: Chairman Petrucelli motioned the board grant the waiver request from Subdivision Regulations Section VII.A contingent that the distance at the narrowest point be at least 100 feet and that the actual distance be added to the plan; seconded by Mr. Mierswa. The motion passed 4-1-0 (Vice Chair Allen opposed).

Alternate Belcher requested they return to the common driveway discussion noting that Mr. Lefebvre has indicated he would need DOT approval for both driveways even though one already exists. She asked him the reason why he is opposed to a common driveway if it would mean it could be a safer entrance and exit onto the new parcel.

Mr. Lefebvre responded he did not believe a common driveway would be safer and that the driveway cuts onto a state road are under the jurisdiction of the state and not the town.

Alternate Belcher stated that it was also under the purview of the town with respect to getting approval for this subdivision and that even if the state says the cut is safe, the board, who is more familiar with that section of roadway, would have the final say as part of their overall approval.

Chairman Petrucelli asked if Alternate Belcher felt a need for a site visit to which she responded not necessarily unless the board as a whole felt it was warranted. She stated it is only two houses which is different than former applications that were proposing multiple lots.

Vice Chair Allen stated he wished there was an alternative location for the driveways similar to the Slaven property, but that this is not the case here. He is not sure pushing everyone out of the same driveway is the answer as it poses its own issues, especially when there are two cars trying to exit or enter the single driveway. He does not see much of a safety difference.

Town Engineer Quintal stated that increasing the frontage on the new lot might allow for a better placement of the new driveway right at the crest of the curve, giving the best sight distance from both directions, or even making this the location of a common driveway that Ys off pretty quickly. He stated this could solve the problem for both parcels and the DOT may very well determine on their own that this is the best option. It would mean moving the lot line over a bit.

The board discussed granting conditional approval or having the applicant come back before the board next month. RPC Planner Rowden suggested one of the conditions be a clean letters of review from the Town Engineer and Planner stating the applicant has met all of the conditions. Should the applicant not be able to meet any of the conditions, including the need to relocate either of the driveways, the applicant will need to come back to the board. It was noted that some of the permits may take up to three months.

MOTION: Vice Chair Allen motioned to grant conditional approval for the Oliviera subdivision located at 168 North Road, MBL# 16-03-05, Case # 2026-03 with the following conditions:

- 1. The applicant shall add Iron Pipes minimum 1/2" diameter or 1/2" Iron Rods and 4' long at intervals not to exceed two hundred (200) feet leaving 4"-6" above the ground in accordance with Subdivision Regulations Section X.4.d, and to show the locations of these pipes/rods on the final plan.**

2. A State Subdivision permit shall be obtained and the permit number shall be added to the final plan.
 3. The septic disposal permit number for the existing home shall be added to the final plan.
 4. A Department of Transportation (DOT) driveway permit shall be obtained for both driveways and the permit numbers shall be added to the final plan. Should either driveway need to be relocated in order to obtain a DOT permit, the applicant will need to obtain Planning Board approval for the new location(s).
 5. Upland calculations for each lot must be at least 20,000 square feet and calculations for both parcels shall be added to the final plan.
 6. The precise calculations depicting the narrow point associated with the waiver from Subdivision Regulations Section VII.A shall be added to the final plan and shall measure at least 100 feet or the applicant will need to come back to the board.
 7. A Map Block and Lot number for the newly created parcel shall be assigned by the Town Administrator and added to the final plan.
 8. The applicant shall submit two final plans: one with clean lines for recording and the other depicting topography and soil.
 9. The verification of monumentation shall be conducted by a town official and certification shall be submitted to the Planning Board.
 10. Final review letters of the final plan set from the Town Engineer and RPC Planner shall be submitted to the Planning Board.
 11. The applicant shall pay all professional review invoices as well as recording fees associated with the recording of the final mylar and notice of decision;
- seconded by Mr. Mierswa. The motion passed 5-0-0.

Mr. Lefebvre thanked the board for their time.

Chairman Petrucelli closed the public hearing at 9:19pm. Mr. Slaven and Alternate McIntyre returned to the board table.

OTHER BOARD BUSINESS

MIDYEAR GOALS REVIEW

Board members conducted a midyear review of their goals for 2026 noting progress on each as follows:

1 MASTER PLAN

- A. Establish a Master Plan Committee who shall report out to the full board on a regular basis. ***The board will work on the master plan collectively. No committee will be established.***
- B. Create a Master Plan Committee Tab on the Planning Board website to serve as a repository for the documents associated with the development of Master Plan chapters. ***Completed. A tab for the development of new master plan chapters has been added to the board's website.***
- C. By way of the Master Plan Committee and per RSA 674:4, draft and adopt a Vision Chapter of the Master Plan utilizing the public outreach data collected in 2024 and 2025 as well as other outreach that might be needed. ***Vision Chapter adopted June 18, 2026.***

- D. Investigate funding options and establish a schedule to draft and adopt a new Land Use Chapter. ***The board decided to update the Natural Resources Chapter instead; however, the funding for that project did not come through. This will be added to the 2027 goal's list.***

2 GROWTH MANAGEMENT ORDINANCE

- A. Conduct a comprehensive review of GMO to review and revise necessary data contained within the article and determine if the ordinance is viable for continued utility and/or if other innovative land use tools should be adopted. ***To be scheduled in the fall.***

3 CAPITAL IMPROVEMENTS PLAN

- A. Establish a CIP Committee who shall report to the full board on a regular basis. ***J. Petrucelli has been appointed the CIP Committee lead.***
- B. Utilizing capital projects information provided by town department heads/officials, develop a Capital Improvements Plan that classifies projects according to urgency and need for realization with a recommended time sequence for their implementation. ***In process.***
- C. Adopt a Capital Improvements Plan in accordance with RSA 674:7 to aid the Selectmen in their consideration of the annual budget.

4 GROUND WATER PROTECTION/WATER RESOURCE PROTECTION

- A. With the assistance of the Rockingham Planning Commission, draft a Ground Water/Water Resource Protection Ordinance utilizing 2026 Local Source Water Protection Grant funds for inclusion on the 2027 town warrant. The ordinance shall include: ***In process.***
 - 1. Identifying resource-based groundwater protection district boundaries.
 - 2. Providing clear descriptions of permitted and prohibited uses, along with the conditions for allowing those uses.
 - 3. Providing performance criteria and best practices for groundwater protection that are consistent with the NHDES Groundwater Protection Model Ordinance.

Discussion ensued on increasing the Planning Board budget for Master Plan work in 2027 in the amount of \$8k-\$10k which can be used toward matching fund grants. Chairman Petrucelli spoke of the lack of responses he has received from department heads regarding the CIP. He will discuss this with the Selectmen at their upcoming department head meeting.

ZONING AMENDMENTS FOR 2027

Though early in the season, the board began the process of creating a list of potential zoning amendments for the 2027 voting session. The list included: tiny homes, modifying the Home Occupation Ordinance to acknowledge administrative support for businesses that do not require any dedicated space in the residence, changing *uplands* to *contiguous uplands* or *buildable area*, and updating the definition of a yield plan.

RPC Planner Berry noted some legislative changes that may require other amendments (allowing multi-unit dwellings in commercial areas, removing length restriction from cul-de-sac regs, and changes to provisions for childcare centers.

REGIONAL IMPACT UPDATE

No new information as the case was continued to the August meeting as they are waiting on a hydrogeology study report.

CIRCUIT RIDER UPDATE

The board was not awarded the grant for drafting a natural resources chapter of the Master Plan.

NEXT AGENDA

The board will meet next on August 20th at 6:00pm. The agenda will include a work session from 6-7pm followed by the continued public hearing for the Tilton Lane subdivision application.

ADJOURNMENT

With no other business before the board,

MOTION: Mr. Slaven motioned to adjourn; seconded by Mr. Mierswa. The motion passed 5-0-0.
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The meeting ended at 9:34pm.

Respectfully submitted,

Catherine Belcher, Land Board Secretary

Minutes approved August 20, 2026.