



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2009-2010
David F. Sullivan, Chairman
Edward Warren, Vice Chairman

MINUTES
Regular Meeting 20 August 2009
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval** of July 16 minutes.
- ◆ **Public Hearing** for Cricket Hill EK PB #09-OC (MBL 08-02-19) for the purpose of amending condominium documents and the site plan to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting.
- ◆ **Public Hearing** for Maplevale Farms & Woods EK PB #09-OD (MBL 08-02-07/08-02-46) for the purpose of amending condominium documents and the site plan to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting.
- ◆ **Public Hearing** for Cornerstone EK PB #09-OE (MBL 06-02-10) for the purpose of amending condominium documents and the site plan to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting.
- ◆ **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-02-17) EK PB #09-OF regarding a prospective tenant for the light industrial park (EK PB #04-OB), Stephen Winter, Richards Steel & Iron, Inc.
- ◆ **Public Hearing** for Mark Cook, 73 Burnt Swamp Road (MBL 11-04-03) regarding a Home Occupation for the sale of firearms.

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:01PM.

ROLL CALL: Mrs. White called the roll.

Members - Mr. D Sullivan; Mr. R Morales; Dr. RA Marston; Mr. E. Warren and Mr. D Pendell, ex-officio (late).

Alternate members - Mr. R Forrest. Mr. J Cacciatore is on sick leave until December

Advisors – Chief S. Richard, East Kingston Fire Department; Mr. R. Donald, East Kingston Building Inspector; Ms. J LaBranche, Planner, Rockingham Planning Commission (RPC)(late).

Due to the large number of people in attendance this evening, Chief Richard and Mr. Donald went to the Town Hall and obtained 7 more chairs so everyone could sit down.

Mr. Warren had notified the Chairman he would not arrive until 7:45pm, so Mr. Sullivan appointed Mr. Forrest to vote in his place until he arrived. Mr. Pendell had notified the Secretary he would be late and he arrived at 7:25pm. Ms. La Branche also arrived at 7:25pm.

Also present were representatives from the elderly condominium communities; prospective tenant for the light industrial park, Mr. Stephen Winter; Home Occupation applicant, Mr. Mark Cook,; and East Kingston resident, Gary Hinz.

Board Business

First item on the agenda was to approve the minutes of 16 July. There were no corrections or changes noted.

Live Free or Die

MOTION: Mr. Morales **MOVED** to accept the July 16 minutes as presented. Dr. Marston seconded. The motion passed unanimously.

Public Hearing for Cricket Hill EK PB #09-OC (MBL 08-02-19) for the purpose of amending condominium documents and the site plan to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting.

Mr. Sullivan opened this public hearing at 7:03 pm.

Mr. Sullivan invited the representatives from Cricket Hill (Barbara Williams and Marie Robie) to come to the front.

Mrs. White updated the Board members on the status of the Cricket Hill paperwork.

- The proposed language change for the By-Laws has been approved by the Town Attorney, as well as the proposed change to the Site Plan. There is no change necessary for the Declaration of Condominium.
- Cricket Hill's attorney provided the Board with a copy of the mylar with the reference to private trash pick-up crossed out, but noted it was not suitable for recording since it did not have any engineering stamps on it. Mrs. White provided Mrs. Williams with a copy of an amendment to Site Plan that was drafted for Country Hills and noted she would be checking with the Town Attorney if this was an acceptable proposed change in lieu of going to the expense of having the mylar itself changed, stamped and recorded. If this was approved by the Town Attorney, Mrs. White would inform Mrs. Williams and Cricket Hill would have the option of providing an amendment page and not revising the mylar itself.
- Cricket Hill has provided a copy of their minutes with the 67% vote.
- Cricket Hill has provided their \$200 check to the Secretary this evening.
- Charges will be forthcoming from the Town Attorney and will be billed to the Condominium Association in a future invoice when those charges are received by the Selectmen's Office.

Mrs. Williams wanted to know if they should wait until the results of the Town Meeting in March 2010 to record the changes to the By-Laws and Site Plan. It was her perception that it would need to go back before the Town for another vote in March before it was finalized. She had had a conversation with Ex-Officio David Pendell and he had intimated that even if the Planning Board voted to approve these amendments to Cricket Hill's paperwork to permit town trash pick-up, it would need to go back to Town Meeting in 2010 for another vote of the residents.

Mrs. White noted that information was incorrect, and explained there were two different issues going on.

- One was this meeting for which the town has *already voted on* and *given their permission* for the **Planning Board to approve amendments** to the condominium documents (should they chose to approve) *to allow the Town to provide trash pick-up and recycling to the elderly communities*.
- The other is that that is if the Planning Board deems it necessary to *change the existing ordinance* to allow trash pick-up and recycling to be provided by the town *to any future elderly communities*, this will need to go to Town Meeting in March 2010 and be voted on by the residents.

Mrs. Williams stated that Mr. Pendell had also informed her the trash company would need to have an addendum for when it was voted on in March, then they could add the service after the Town Meeting; their pick-up would not start on January 1.

Mr. Morales, who is on the Trash Committee, reported that they were looking at proposals from various companies to supply trash pick-up and recycling to the entire town. The new contract would not go into effect until January 2010, so services would not be provided until that time.

In the beginning of discussions with the trash service companies, it was not known how many of the communities would be ready and have all their paperwork in place to be included as of January 1. Therefore there was a "place holder" of sorts that would be put into action for those communities that were not ready by the dead-line, but that would be eligible for services the following year. Since it now appears that all the communities will be getting in their information by the deadline, there will be no necessity for the *place holder*; they will all be included.

Mr. Sullivan explained that he was not sure if Mr. Pendell had spoken as a Selectmen or as a member of the Planning Board, but restated that information should not be discussed outside the forum of the meetings. It causes people to become confused about the facts and can give misinformation.

Mrs. White clarified that at the start of the process, she had confirmed that as long as all the paperwork was completed, approved and into the Selectmen's Office by the deadline of October 26, the communities would be included in the trash pickup starting January 1. Mr. Morales noted that October 26 is the deadline for the Trash Committee to have all the information into the trash service that is chosen, and before the Town needs to do next years' budget. Mrs. White suggested that they have their completed paperwork in to the office by October 15. Mrs. White returned the mylar page she had received from Attorney Marshall to Mrs. Williams.

There was no discussion by the Board on the status of the Cricket Hill paperwork.

Mrs. White explained that a stamped copy of the recorded amendment to the By-Laws and the amendment to the Site Plan would need to be provided to the town for the file.

Mr. Sullivan opened the floor to abutters; there being none, he closed the floor.

Conditions of Approval will include:

- The approved amendment to the By-Laws will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- The approved amendment to the Declaration of Condominium will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- The approved amendment to the Site Plan will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

As there were no further questions for Mrs. Williams or Mrs. Robie from the Board, Mr. Sullivan asked for a motion .

MOTION: Mr. Morales **MOVED** the Planning Board Approve the proposed amendments to the By-Laws, Declaration of Condominium and the Site Plan for Cricket Hill Condominium EK PB #09-OC (MBL 08-02-19) to enable the town to East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting. Mr. Forrest seconded. Mr. Pendell abstained as he had arrived to the meeting late. The motion passed.

The Secretary will send a copy of the Decision to the Cricket Hill Condominium Association, and invoice the Town Attorney charges when they are received by the Selectmen's Office.

Mr. Pendell arrived at 7:25 pm. Mr. Sullivan noted that Mr. Pendell was now in attendance and would vote from now on.

Mrs. Williams and Mrs. Robie thanked the Board for their time.

Mr. Sullivan closed this public hearing.

Public Hearing for Maplevale Farms & Woods EK PB #09-OD (MBL 08-02-07/08-02-46) for the purpose of amending condominium documents and the site plan to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting.

Mr. Sullivan opened this public hearing at 7:27 pm.

Mrs. White updated the Board members on the status of the Maplevale Farms & Woods paperwork.

- The proposed language change for the By-Laws has been reviewed and approved by the Town Attorney.
- There are no changes necessary for the Declaration of Condominium or the site plan.
- Maplevale has provided a copy of their minutes with the 67% vote.
- Maplevale has provided their \$200 check to the Secretary.
- Charges will be forthcoming from the Town Attorney and will be billed to the Condominium Association in a future invoice when those charges are received by the Selectmen's Office.

Mr. Sullivan invited the representative from Maplevale (Bruce Calapinski) to come to the front.

Mr. Sullivan asked if the Board members had any questions.

Mr. Forrest noted that the Town Attorney had written: "*Once the Planning Board approved the requested amendments to the site plans, the town will be able to implement the town meeting's vote.*" He asked if he was suggesting there needed to be more action by Town meeting.

Mr. Morales interpreted that statement to mean once this vote by the Planning Board takes place, the vote of the people at Town Meeting 2009 gave them the permission to approve the changes so trash pick-up and recycling can be provided by the Town. It did not need to go back to Town Meeting.

Mr. Pendell noted that he had interpreted it a different way, saying the Town Ballot in 2009 allowed them to change the language on the site plan. His understanding is that in March 2010 there will be a question on the ballot for people to agree to allow the trash pick-up. Mr. Morales explained that was not the case. The vote had that had taken place in 2009 was the deciding vote of the people.

Mr. Calapinski said to Mr. Pendell that his current statement was in direct contradiction from what he had told them at the last meeting. At the last meeting he had told them that once the Planning Board approved it, and if all the paperwork was in by October 26, it would go to the Selectmen who would include them on the trash contract. He had said nothing about it needing to go back to Town Meeting in 2010.

Both Mr. Morales and Mr. Forrest noted that the Planning Board's decision at this meeting tonight would be the final decision, and the other board members agreed. They would inform the Selectmen that all the changes were approved and that they could include the elderly communities on the trash and recycling contract for 2010.

Mr. Calapinski asked why they were required to pay the \$200 fee since it was voted by ballot to allow them to change their documents. Mrs. White explained the fee was for the Public Hearing and covered notification of abutters and the legal notice in the newspaper. She also noted that the Ballot Article that was approved had authorized "*the Planning Board to amend...at the expense of the individual elderly housing development homeowners associations.*" Mr. Sullivan said it was common practice, and Mr. Morales noted it was standard procedure for applicants pay for the noticing for their public hearing.

Mr. Warren asked Mr. Morales to explain the process again. Mr. Morales explained that the Board had stated if the ballot was approved, they would look at approving the subsequent change in language for the elderly communities. The warrant article had gone before the Town at Town Meeting 2009 to pick up the trash for the elderly communities and it was approved. This gave the communities the ability to change the language to their documents and come before this Board for approval of those changes. Once this Board approves those changes, it is the end of the process.

Mr. Morales opined that the confusion came because the ordinance itself is not changed for trash to be picked up for any *future* subdivisions. Before that can be done, the ordinance would need to be changed, and that ordinance change would need to go to Town meeting for a vote of the residents. This Board can recommend that the ordinance be changed going forward.

Mr. Forrest noted that one of the restrictions that was placed on these developments originally was that the town would not provide trash pickup for them. Mr. Morales agreed it was in the ordinance approved by the residents that the elderly housing would provide for their own trash pickup.

Mr. Warren opined approving the warrant article gave the associations permission to change their covenants, but it did not mean automatically the town was going to pick up their trash. He also thought it would need to go back to the Town for a second vote. Mr. Morales said when this board approved the changes this evening, that was the end of it; they would be included in the total budget to pick up everyone's trash.

Mr. Warren asked if this board had the authority to add \$10,000 a year to the town's expense. Mr. Morales explained that they were not doing that; they were approving this process. Mr. Warren stated it sounded like Mr. Morales was saying if this Board approved the changes, it was a forgone conclusion that the town was going to pick up the trash for the elderly communities. Mr. Warren thought that was not the case.

Mr. Morales stated that *was* correct; the Board was approving it. This means would be included as a line item in the total budget and was not a separate warrant article. It would not go before the Town as a warrant again.

Mr. Pendell explained that the trash committee was to put together an RFQ to get quotes for trash service beginning January 1. Part of the RFQ is an add alternate for the four communities because it comes after the contract would be implemented January 1. That contract would be sometime in the Spring. As he understood it, the past vote allowed them to change the covenants only. It would be a contractual obligation that would be added to the default budget. Mr. Pendell asked Mrs. White to look up the wording for the warrant article at the 2009 town Meeting. He is not sure if the Board can approve everything without another vote from the Town.

Mr. Calapinski reviewed that what Mr. Pendell was saying was that they (the elderly communities) could have gone through all this expense to have their paperwork approved to have trash services starting in January but in March it could be taken away. Mr. Pendell stated that he believed because of the way it was written in the past ballot, all the Town did was give them permission to change their documents but did not say the Town would pick up their trash. That's why the trash committee was tasked with putting an add alternate there with whoever we contracted for.

Mr. Calapinski understood that to mean come March they would not be a separate warrant, they will be included in that budget. Mr. Pendell said as Selectmen, he would advocate for taking that add alternate, whatever that number may be, and adding it into the budget so the vote passes either way, and in March they would start picking up their trash.

Mr. Calapinski stated what Mr. Pendell was saying could mean they would have trash services for January through March, and then it could be taken away; they would have gone through all the expense to change the paperwork for nothing. Mr. Pendell understood that could be the case. He was not sure this was the end of it.

Mr. Forrest explained they were there to approve the changes in the paperwork and not deal with the budget questions and/or the trash contract. That would be discussed later on and taken care of by the Selectmen.

Mrs. White read an excerpt from the Town Attorney correspondence to her regarding his review of the documentation. *"Maplevale Farms & Woods Condominiums has proposed appropriate amendments to its condominium documents and the association has voted in favor of the amendment. The Planning Board can proceed with consideration of the application for amendment of the site plan."*

Mr. Sullivan opened the floor to abutters; there being none, he closed the floor.

Mrs. White explained that a stamped copy of the recorded amendment to the By-Laws would need to be provide to the town for the file.

Conditions of Approval will include:

- The approved amendment to the By-Laws will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- The approved amendment to the Declaration of Condominium will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- The approved amendment to the Site Plan will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

As there were no further questions for Mr. Calapinski or Mr. Pothier from the Board, Mr. Sullivan asked for a motion .

- ♦ **MOTION:** Mr. Morales **MOVED** the Planning Board approve the proposed amendments to the By-Laws, Declaration of Condominium and the Site Plan for Maplevale Farms & Woods EK PB #09-OD (MBL 08-02-07/08-02-46) to enable the town to East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting. Mr. Pendell seconded. The motion passed unanimously.

The Secretary will send a copy of the Decision to the Maplevale Farms & Woods Condominium Association, and invoice the Town Attorney charges when they are received by the Selectmen's Office.

Mr. Calapinski and Mr. Pothier thanked the Board for their time.

Mr. Sullivan closed this public hearing.

Public Hearing for Cornerstone EK PB #09-OE (MBL 06-02-10) for the purpose of amending condominium documents and the site plan to enable the town of East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting.

Mr. Sullivan opened this public hearing at 7:51 pm.

Mrs. White updated the Board members on the status of the Cornerstone paperwork.

- The proposed language change for the By-Laws and the Declaration of Condominium has been approved by the Town Attorney. There is no change necessary for the Site Plan.
- Cornerstone has provided a copy of their minutes with the 67% vote.

- Cornerstone has provided their \$200 check to the Secretary.
- Charges will be forthcoming from the Town Attorney and will be billed to the Condominium Association in a future invoice when those charges are received by the Selectmen's Office.

Mrs. White explained that a stamped copy of the recorded amendment to the By-Laws and the amendment to the Site Plan would need to be provided to the town for the file.

Mr. Sullivan invited the representative from Cornerstone (Tom Christenson) to come to the front. Mr. Christenson stated he had no questions.

There was no discussion by the Board on the status of the Cornerstone paperwork.

Mr. Warren arrived at 7:45.

Mr. Sullivan opened the floor to abutters; there being none, he closed the floor.

Conditions of Approval will include:

- The approved amendment to the By-Laws will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- The approved amendment to the Declaration of Condominium will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- The approved amendment to the Site Plan will be recorded at the Rockingham Registry of Deeds and a copy with registry stamp will be provided to the Town for the file.
- All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

As there were no further questions for Mr. Christenson from the Board, Mr. Sullivan asked for a motion .

MOTION: Mr. Morales **MOVED** the Planning Board approve the proposed amendments to the By-Laws, Declaration of Condominium and the Site Plan for Cornerstone to enable the town to East Kingston to provide trash pick-up and recycling in direct response to a vote of the Town at the 2009 Town Meeting. Mr. Pendell seconded. The motion passed unanimously.

The Secretary will send a copy of the Decision to the Cornerstone Condominium Association, and invoice the Town Attorney charges when they are received by the Selectmen's Office.

Mr. Christenson thanked the Board for their time.

Mr. Sullivan closed this public hearing.

Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-02-17) EK PB #09-OF regarding a prospective tenant for the light industrial park (EK PB #04-OB); Stephen Winter, Richards Steel & Iron, Inc.

Mr. Sullivan opened this public hearing at 7:55pm, and invited Mr. Winter to come to the front.

Review of Mr. Winter's application:

- Richard's Steel and Iron, Inc. performs miscellaneous metal fabrication and repair such as stairs, rails, trainers, hitches and snowplows, etc.
- He has 4-6 employees.

- He would like to operate Monday-Friday 7:00 am to 5:00 pm and Saturday 7:00 am - 12:00 pm.
- He uses and stores oxygen, acetylene and miscellaneous paint products and uses secure racks for the gasses and a fireproof cabinet for paint.
- He will have on-site dumpsters for trash and recycle his steel.
- Most of the time, his trucks will be stored inside the building; occasionally they might be parked in the back.

Mr. Sullivan asked if the Board had any questions for Mr. Winter.

In looking at the hours of operation Mr. Winter had indicated on his application, Mr. Warren suggested he might want to apply for as many hours as he possible could, operating within those hours the hours he had requested. This would ensure that at a later date, if he wanted to make a change in his hours, he would not need to come back before the Planning Board. Mr. Winter changed his hours of operation requested to 7:00 am -9:00 pm, Monday through Sunday.

Mr. Morales asked if Mr. Winter had MSDS sheets for all the paints and solvents; *Mr. Winter answered he did have those sheets.*

Chief Richard had several questions for Mr. Winter:

- Did he have a vented, fireproof cabinet for storage of his paint and solvents? *Mr. Winter stated his cabinet was not vented. He would have up to 5-6 gallons of paint. He did not have large quantities of solvents; only enough to clean brushes - approximately 1 gallon at any one time.*
- There were several types of gasses listed. Were they secured on racks or by chains? *Mr. Winter stated they were chained to the steel building columns. One set is on a cart*
- What about fire extinguishers? *Mr. Winter noted there were existing extinguishers in the building, but he also had his own.*
- Would there be solvent rags and if so, how would you dispose of them? *Mr. Winter noted there would be no solvent rags, but he would have a safety rag bucket just in case. He has been in business for 30 years and the first 25 years of that was in a wooden building. He realizes that safety precautions are very important.*
- Chief Richard noted an annual inspection would be necessary because of the hazardous materials and asked when Mr. Winter was expecting to move in. *Mr. Winter noted it would be another 2-3 weeks; he would call Chief Richard so he could make his inspection.*

Mr. Donald asked what part of Building #8 Mr. Winters would be in. *Mr. Winter answered he was going to use the entire building.*

Mr. Forrest noted his application stated all steel was recycled and asked Mr. Winter how they took care of the scrap metal. *Mr. Winter recycles it on a periodic basis.*

Chief Richard asked where he stored his scrap metal until it was recycled? *Mr. Winter would store scrap in a utility trailer on the side of the building.*

Mr. Sullivan opened the floor to abutters; there being none, he closed the floor.

Conditions of Approval will include:

- An annual inspection by the Fire Department.
- Any changes to this application would need to come back before the Planning Board for review.

MOTION: Mr. Warren **MOVED** the Planning Board approve the proposed tenancy for Richards Steel and Iron, Inc. for the Light Industrial Park with the conditions listed above. Mr. Morales seconded. The motion passed unanimously.

Mr. White informed Mr. Winter he would be receiving a copy of the decision in the mail.

Mr. Winter thanked the Board for their time.

Mr. Sullivan closed this public hearing.

Public Hearing for Mark Cook, 73 Burnt Swamp Road (MBL 11-04-03) regarding a Home Occupation for the sale of firearms.

Mr. Sullivan opened this public hearing at 8:09 pm, and invited Mr. Cook to come to the front.

Review of Mr. Cook's application:

- Mr. Cook is applying for a home occupation to sell by order (not a retail store) firearms and accessories to people he knows are of good character (friends and family members), dba MAC Tactical.
- He would be the only employee.
- There would be minimal UPS/Fed Ex deliveries during the day.
- There would be no company vehicle.
- There would be no storefront or sales areas.
- His home occupation would not generate excessive vehicle traffic. There would only be the occasional customer coming to pick up merchandise.
- He would not have a sign.

Mr. Sullivan asked if the Board had any questions for Mr. Cook.

Mr. Warren declared he thought this home occupation met all the parameters of being invisible. Mr. Forrest noted that when his home occupation had come before the Selectmen, there was no public hearing as the Selectmen had deemed it an invisible home occupation; there was no impact to the neighborhood, no signs, etc. He agreed that this fit the parameters of invisible. Mr. Morales also agreed.

Ms. LaBranche noted that invisible meant the home occupation would be exempt from annual permitting, but would still need to pay an annual fee. Mr. Donald stated he thought if people came to the house to pick up their merchandise, it might cease to be invisible. Since Mr. Cook would need to have a firearms dealer's license, he did not know if it would qualify as invisible.

Mr. Pendell asked about the UPS/Fed Ex deliveries; could items just be left on his porch? *Mr. Cook said that all deliveries would need to be signed for by an adult; they would not just be left.*

Ms. LaBranche the following:

- Who would his customers be? *Family, friends, people I know.*
- How many sales? *Perhaps 1-2 per month; don't really know.*
- How much space his home occupation would utilize? *Approximately 200 sf.*
- Will you sell ammunition? *Don't plan to sell ammunition.* Mr. Forrest noted that ammunition sales would be allowed under the same Federal Firearms license Mr. Cook was obtaining to sell firearms.

Mr. Warren asked what it would be classified under; Mr. Morales thought #9 - Art, craft, hobby and antique shops under permitted used would apply. It was not Mr. Cook's full-time job and would qualify as a hobby. The Government considers anything you do not make more than \$25,000 profit a hobby.

Mr. Forrest opined it shouldn't be under the hobby category. He thought it would qualify under the invisible category, as the ordinance states: *Businesses whose owners can demonstrate they do not create any traffic, visual or other impacts on the neighborhood, may be exempted under the permitting procedures by virtue of being "invisible"*.

Mr. Donald thought it might qualify under #1 - professional office, as he would need a Federal license to sell the firearms.

Ms. LaBranche noted that the purpose of #11 was to not try to fit an occupation not listed under one of the categories, but if it is of a similar nature and has minimal impact in a residential neighborhood (no customers, no traffic, no engineering site plan, the business is contained within the house), and if the board finds it meets the provisions of the section. The definition of a home occupation states : *"A Home occupation is a professional or service occupation or business carried out from the home which is clearly accessory and subordinate to the residential use of the property. A Home Occupation is the provision of a service and/or the production or selling of a product on the premises."* If an occupation not listed above meets that definition, then it does not need to fit into one of the listed categories. As long as it meets Definition - A, Where Permitted - B and Standards - C.

Having no further questions for Mr. Cook, Mr. Sullivan asked for a motion from the Board.

MOTION: Mr. Warren **MOVED** the Planning Board recommend approval for this Home Occupation application for Mr. Cook as a firearms dealer to the Board of Selectmen as an invisible business
Dr. Marston seconded. Mr. Pendell held he was not against Mr. Cook personally, but he did not like guns and abstained to vote. The motion passed.

Mrs. White will send a letter of recommendation to the Board of Selectmen for approval of this Home Occupation, and asked Mr. Cook to provide a copy of his license for the file when it is received.

Mr. Morales noted the form still had the old fees on the bottom; Mrs. White would ask the Selectmen's Office to make the change to the new application fee.

Board Business

Planning and Zoning Conference/Law Lecture Series. Mrs. White inquired if any Board members were interested in attending either the Planning and Zoning Conference or the Law Lecture Series so she could let the Selectmen's Office know for registration. There was no interest.

Mini Charette

Mrs. White reminded that Board that they had talked about the mini charette and a Town-wide Commercial Forum. She reported she had reserved the Multi-Purpose Room at the Elementary School on November 7th from 8-12 (for a 9-11 forum time; 1 hour before and after for set up and clean up).

She asked what the board intended on doing, as she would need to know the number of table and chairs needed. Also, Newton had been awarded a full-blown charette and Mrs. White distributed their information to see if the Board wanted to incorporate any of that wording into theirs. She needed to know how they were going to distribute the information to the people in town. Inserts in the paper would be costly and they had no budget.

Mr. Morales noted that last time they did something like this, it was for the visioning sessions for the Master Plan. They just put notices around and did no mailings. Perhaps they could put an article in the Carriage Town news; that shouldn't be too expensive. Now that there is a website, perhaps they could put the information there.

Mrs. White asked Mr. Pendell if they would need to go through the Selectmen to get something about the charette put onto the website. Mr. Pendell stated yes, they would put it on the website. Mr. Morales suggested putting flyers around at the Post Office, Town Hall, and Library for people to take.

Mr. Forrest asked if the residents knew where the commercial areas in the town are? It was the contention of the Board they did not know. Mr. Forrest suggested attaching a map of where the current commercial areas are. Mr. Warren thought if people looked at the map and saw it (the commercial area) was not near them, they might decide it had nothing to do with them and not come. Mr. Morales thought a map would confuse them; it would limit response.

Mr. Pendell suggested that residents be directed to come to the Selectmen's Office and see the maps if they are interested. Ms. LaBranche suggested a poster with the maps on it. She thought perhaps the RPC could help and make some posters for them. Jewett's and Carmen's could also be distribution points.

Mr. Hinz had discussion with the Board to fully understand about the proposed forum. Mr. Morales explained that they still have to meet the Master Plan; you cannot do anything against the Master Plan. Keeping that in mind, are there areas where you could expand business opportunities to generate more tax revenue? What type of businesses would you like and where would you put them?

Mr. Morales stated versus a patchwork quilt of citizens' petitions, it would behoove the board to work with the citizens and ask what they want to do and how they want to do it? This could lay the groundwork. Dr. Marston said the whole town could be zoned residential /agricultural/commercial.

Ms. LaBranche thought "*Do you like it as a concept?*" and "*What would you like it to look like?*" were the questions to ask before "*Where do you want to put it?*" You would need to define it first.

Mr. Pendell asked Mrs. White if she could send a memo for the next Selectmen's meeting on the 31st to find some money for refreshments rather than trying to take it from the Planning Board's small budget.

MOTION: Mr. Pendell **MOVED** the Planning Board adjourn. Dr. Marston seconded. The motion passed unanimously.

Mr. Sullivan closed the meeting at 9:15 pm.

HANDOUTS TO THE BOARD

- Worksheets for the public hearings
- Copy of Cornerstone's check
- Minutes from Cricket Hill
- Memo re: Pound School meetings
- Aug. 3 Selectmen's minutes

Respectfully submitted,

Barbara A. White
Recording Secretary

David Sullivan
Chairman

Minutes approved October 1, 2009