

TOWN OF EAST KINGSTON PLANNING BOARD

MEETING MINUTES

April 21, 2022

Pound School
41 Depot Road
East Kingston, New Hampshire

Josh Bath, Chair
Tim Allen, Vice Chair
7:00PM

AGENDA

LIP Tenancy Applications (603 Basement Solutions/M&M Trailer and Automotive LLC) – 213 Haverhill Road
Farmer Backlot Subdivision Application – 97 Giles Road
Haley Home Occupation Application – 170 Haverhill Road
Master Plan Amendment – 2021 Natural Resource Inventory

Board Members present: Josh Bath – Chair, Tim Allen – Vice Chair, Rob Caron – Ex-Officio, and Dr. Robert Marston (via Zoom). Absent: William Caswell and Janet Smith – Alternate.

Others Present: Julie LaBranche – Planning Consultant, Dennis Quintal – Town Engineer and Conservation Commission Chair, Vicky Brown – Conservation Commission Member, and Gordon Powers – Conservation Commission Member.

Applicants and members of the public who participated in the meeting: Nikolas Mellett – Applicant, Ronald Mead – Applicant, Sarah and Paul Nanez, Applicant representatives (Farmer Subdivision), and Kat Morrill – Millennium Engineering.

Planner LaBranche opened the April 21, 2022 Planning Board meeting at 7:11pm with the roll call. She noted the agenda order has been changed to allow for the election of officers to precede all other board business.

ELECTION OF OFFICERS

She then facilitated the election of officers accepting nominations from board members for the positions of Chair and Vice Chair.

Chairmanship - Mr. Allen nominated Josh Bath as Chairman. Mr. Bath nominated Bill Caswell as Chairman. Discussion ensued on the nomination process with respect to nominations of board members not present at the meeting and on voting for each office separately. With no other nominations from the floor, members voted for the two candidates by show of hand. The results were 4 in favor of Mr. Bath, 0 for Mr. Caswell. Planner LaBranche declared Mr. Bath the Chairman of the Planning Board for the 2022-2023 year, term ending upon election of successor after the March 2023 Town vote.

Vice Chairmanship – Planner LaBranche then opened the floor for nominations of Vice Chair. Chairman Bath nominated Tim Allen as Vice Chair (Mr. Allen accepted the nomination). With no other nominations from the floor, members voted for the single candidate by show of hand. The results were 4 in favor of Mr. Allen. Planner LaBranche declared Mr. Allen the Vice Chairman of the Planning Board for the 2022-2023 year, term ending upon election of successor after the March 2023 Town vote.

Chairman Bath then assumed charge of the meeting announcing further changes to the order of the agenda that will move the two change in tenancy applications for the Light Industrial Park (LIP) ahead of the scheduled public hearings.

LIP CHANGE IN TENANCY APPLICATION – 603 BASEMENT SOLUTIONS

Nikolas Mellett co-owner of Basement Solutions presented his tenancy application for Unit 8B of the Light Industrial Park located at 213 Haverhill Road and fielded board questions resulting in the following information and conditions for occupancy:

- The nature of the business is to provide basement waterproof systems to off-site customers.

- No large equipment used at this time, only two vehicles (box truck and pickup truck) which will be parked inside the garage bay.
- Signage will be placed on the existing LIP sign at the street and on the building (per request of Fire Department).
- There are no chemicals on site or storage containers, only a small dumpster for cardboard and such.
- Hours of operation will be 7:45am to 5:00pm, Monday – Friday, 9am-12pm on Saturdays, closed on Sunday at the LIP site; however, the business will be open 24 hours per day to customers.
- Currently employ three installers and one sales rep but plan to expand to include three additional installers bringing total number of employees to seven.
- Concrete waste from job sites is disposed of via Galloway Trucking. Materials used for jobs are typically purchased and brought directly to the job site.
- The business will agree to Fire Department annual inspections with findings provided to Mr. Mellett to ensure compliancy.

Chairman Bath opened the meeting to public comments. There were none.

MOTION: Vice Chair Allen motioned to approve the change of tenancy for 603 Basement Solutions located at Unit 8B, 213 Haverhill Road based on the terms and conditions noted above. Mr. Caron seconded.

Discussion: Mr. Millett was informed he would receive an official letter from the Planning Board outlining the approval and its terms. The letter will include contact information for the Fire Department.

VOTE: The motion passed 4-0-0.

LIP CHANGE IN TENANCY APPLICATION – M&M TRAILER/AUTOMOTIVE LLC

Ronald Mead owner of M&M Trailer/Automotive LLC presented his tenancy application for Unit 6B of the Light Industrial Park located at 213 Haverhill Road and fielded board questions resulting in the following information and terms:

- Mr. Mead previously owned and operated his business for 27 years in Derry, NH, but due to a seriously vehicle accident and the events that followed, he was forced to restart the business and was offered a location at 213 Haverhill Road by his longtime friend Paul Masone.
- The nature of the business is to buy and sell cars and trucks, provide vehicle inspection services, and operate his part-time excavation business.
- The total number of vehicles at any one time will be limited to six, not including his tow truck, dump truck or tractor trailer truck. Excavation equipment is limited to an excavator and backhoe as well as a co-owned (Mead and Masone) bulldozer. All of the excavation equipment will be housed outside of the garage bay.
- Mr. Mead disposes of car parts himself and agrees to keep the area free and clear of used parts and junk. Any parts will be housed inside the bay. He indicated he stores no chemicals on site.
- Vehicle inspection services will be conducted Monday-Friday from 9am-5pm and by appointment on Saturdays. He only does light vehicle repair, nothing that would require engine or car repair overhaul or the need to store chemicals.
- A condition of the auto sales component is that any car/vehicle may remain on the property for no longer than 45 days. Mr. Mead anticipates cars/vehicles will sell within 30 days.
- There will be only one to two employees.
- An annual inspection shall be conducted by the Fire Department.

Chairman Bath opened the meeting to public comment.

Vicky Brown – Conservation Commission member inquired on the rules for the disposal of engine or repair waste. It was noted that these regulations are governed by the EPA, OSHA, and the State of New Hampshire.

- The business will agree to Fire Department annual inspections.

MOTION: Vice Chair Allen motioned to approve the change of tenancy for M&M Trailer/Automotive LLC located at Unit 6B, 213 Haverhill Road based on the terms and conditions noted above. Chairman Bath seconded. With no further discussion, the motion passed 4-0-0.

Mr. Mead was informed of the notification process for this approval, to contact the Fire Department for an inspection, as well as the town completing the licensing documents necessary for the vehicle inspection services.

BACKLOT SUBDIVISION APPLICATION – 97 GILES ROAD – PUBLIC HEARING

Chairman Bath opened the public hearing at 7:48pm for Susanna and Davis Farmer to create a backlot subdivision on their 6.34-acre property (MBL# 6-01-42) located at 97 Giles Road, East Kingston. The proposal would create one new residential building lot of 3.10 acres and reduce the original lot from 6.34 acres to 3.24 acres. He noted that in 2021, the applicants received variances from the East Kingston Zoning Board of Adjustment under Zoning Article IX.B. for lot size, minimum frontage, and driveway location requirements.

Representing the applicants were Sarah (Farmer) and Paul Nunez and Kat Morrill from Millennium Engineering. Ms. Morrill presented the plan noting subdivision of the 6.4-acre lot will result in two almost equal lots, three variances were granted with respect to the width of the newly created lot, from the frontage requirement of 240 feet, and driveway provisions. The wetlands have been flagged and test pits have been completed.

Town Engineer Quintal presented his findings on his review of the plan with Ms. Morrill's response in italics as follows:

1. Subdivision Section VII.A - Newly created lots must be rectangular in nature and at no point shall any lot be narrower than 125 feet. Beyond the 40-foot access way to the building area I believe the lot width is 120 feet. *Width of lot to be verified.*
2. Section VII.F - Each building lot shall have its own driveway access to the street. *Relocated on plan due to placement of cistern.*
3. The newly created lot line has been monumented by Iron Rods. The Town requires a Bound Certification Form to be provided by the Surveyor. *These will be set after plan approval.*
4. The new lot line will pass through the existing driveway. It is shown that Lot A will have an Access Easement to benefit Lot B. Lot B will have a Utility Easement to benefit Lot A. Since a portion of the driveway will be on Lot B, it is recommended the shaded area on Lot B be labeled Utility and Access Easement to benefit Lot A. *Will relabel the easements.*
5. Sergio Bonilla Certified Wetland Scientist will need to stamp and sign these plans. *Will add to final plan.*
6. Soil Test Pit Data performed by Alexander F. Parker will require his stamp and signature on the plans. *Will add to final plan.*
7. Planning Board approval should require a condition that site development would meet all wetland setbacks.
8. Lot Loading Calculations clearly show that each lot can accommodate the Sanitary Waste Disposal produced for the dwellings shown; therefore, he has no objection to the soils and calculations shown.
9. State Subdivision Approval has been obtained.
10. The plan set provides enough information for the Board to accept Jurisdiction.

Dr. Marston indicated there is an easement along the stonewall on the parcel that goes to York Pond and that this should be shown on the plan. He noted there are two different easements on the property. Ms. Morrill will research the matter and add the easement to the plan if located.

Discussion then transpired on the variances granted by the Zoning Board of Adjustment back in 2021 and how those variances apply to the subdivision regulations in creating this two-lot subdivision. It was agreed that if the width of the lot was less than 125 feet (difficult to tell on the plan) then the applicant would submit a waiver request from Subdivision Regulations Section VII.A. It was determined that the application was complete enough for invoking jurisdiction.

MOTION: Chairman Bath motioned to accept jurisdiction on the 2-lot subdivision plan submitted by Susanna and Davis Farmer located at 97 Giles Road, MBL# 6-1-42. Vice Chairman Allen seconded.

Discussion: The easement to York Pond is to be added to the plan should it be located.

VOTE: The motion passed 4-0-0.

The board then reviewed the applicable zoning ordinances and subdivision regulations specific to backlots for compliance:

Zoning Requirements

- Soil types – met
- Lot size – met
- Backlot – 40 ft met; variance granted on 200 ft requirement
- 400 ft setback – met
- Driveway – variance granted
- Building setbacks – met
- Single family – met
- 800 sq. ft. living space – met

Subdivision Requirements

- Reviewed by Town Engineer
- May need waiver on 125 ft lot width requirement
- Easement to York Pond may need to be added
- Fees to be paid
- Certification of bounds to be completed

MOTION: Chairman Bath motioned to continue the 2-lot subdivision plan submitted by Susanna and Davis Farmer located at 97 Giles Road, MBL# 6-1-42 to the May 19, 2022 meeting at 7:00pm. Vice Chairman Allen seconded. The motioned passed 4-0-0.

Chairman Bath closed the public hearing at 8:23pm.

HOME OCCUPATION APPLICATION – 170 HAVERHILL ROAD – PUBLIC HEARING

Chairman Bath opened the public hearing for applicants Jason and Shannon Haley who wish to establish a home business office per Zoning Ordinance Article XVI Home Occupations on their 3.5-acre property (MBL# 11-01-08) located at 170 Haverhill Road, East Kingston NH. The proposed Home Occupation would be invisible with no business sign or business client services conducted at the property.

Noting the absence of the applicants, Chairman Bath suggested the board continue the public hearing to the next meeting. Planner LaBranche indicated she had called the applicants that morning to remind them of the hearing.

MOTION: Chairman Bath motioned to continue the proposed home occupation public hearing to be located at 170 Haverhill Road to the May 19, 2022 meeting at 7:00pm. Vice Chairman Allen seconded. The motioned passed 4-0-0.

Chairman Bath closed the public hearing at 8:26pm.

MEETING MINUTES

The board reviewed the March 17, 2022 meeting minutes and the April 9, 2022 site walk minutes.

MOTION: Chairman Bath motioned to approve the March 17th and April 9th minutes as presented. Vice Chairman Allen seconded. The motioned passed 3-0-1 (Mr. Caron abstained).

Chairman Bath took a moment to welcome the new land board secretary and new ex-officio member.

MASTER PLAN AMENDMENT FOR 2021 NATURAL RESOURCE INVENTORY

Chairman Bath opened the public at 8:27pm to consider the adoption of the 2021 Natural Resources Inventory prepared by the East Kingston Conservation Commission as an addended reference to the town's Master Plan. A copy of this inventory was made available and is available during business hours at the East Kingston Town Offices. He then read into the record two letters pertaining to this document:

I write to express my whole-hearted support for the adoption of the Natural Resources Inventory (NRI) coming before the board. By way of full disclosure, I had the privilege of working (volunteering) with members of the town's Conservation Commission to compile and produce the document you will be reviewing. Roughly three years ago, we discovered the hidden gem that is East Kingston.

Moving here from a small community out of state that failed abysmally at controlling its growth, we feel blessed to be here today. We know firsthand how detrimental a lack of foresight and courage by elected and appointed committees can be as it relates to protecting a community's character and quality of life. As an outsider here, I'm deeply concerned that East Kingston is rapidly approaching a crossroads (or has perhaps arrived at one) regarding the quality and character of this small town. As "progress" in the form of development, (both residential and commercial) continues, we as a community must work to protect open space before it is lost forever.

By adopting the recommendations of the NRI, we have a real chance to preserve the community that life-long residents and us newcomers have come to love. No doubt some may see the recommendations as overbearing, intrusive and even draconian. However, protection of the town's open acreage dovetails into wildlife protection, the protection of water and air quality, protecting tranquility and history. It will also help to control over-population, increased traffic congestion and an increased demand on town services, causing an increase to the tax base.

With the Planning Board's affirmative vote, East Kingston can become a model, a leader even, for other communities in the state on how caring and dedicated town's people can make a difference and take a stand at conservation and preservation of the small towns that make New Hampshire what it is.

I believe that the NRI's goal of land conservation is too small however and would suggest that the lofty goal of securing at least 50% of the town's open space should be adopted instead. We have one chance to stave off the advances and ravages of "progress" and preserve the community for ourselves and for future generations. I sincerely hope the members of the Planning Board will take up this cause and adopt the NRI.

Sincerely, Matthew Freeman

I am writing to support the adoption of NRI. I am unable to attend then meeting tonight. Please let me know if you need any additional information, etc. Thank you, Shelby Stabile

Conservation Commission Chair Dennis Quintal spoke to the function of the Natural Resource Inventory (NRI) in that its purpose is to provide the town with information about its natural resources, to provide the information necessary for incentives and strategies to encourage the protection and preservation of these natural resources, and to serve as a basis for developing land use regulations – the ultimate takeaway is to be conservation minded. Other values of the NRI were noted including a tool for landowner outreach, support for land conservation funding by the town and a strong rationale when submitting for outside funding such as grants and partnerships with land protection organizations. The document is meant to support the Master Plan and to be used as a technical reference.

Discussion ensued on the types of recommendations cited in the document, the importance of allowing property owners the freedom to utilize their properties as they wish, provided they are not a nuisance or violate zoning rules. Voluntary conservation easements were noted as was the fact that no minimum acreage is needed to create an easement. The value of the document as well as commendations for the work to complete the inventory was acknowledged.

Chairman Bath closed the public hearing at 8:53pm.

MOTION: Chairman Bath motioned to append the 2022 Natural Resource Inventory as a reference in the town's Master Plan. Vice Chairman Allen seconded.

Discussion: The final document will be made available shortly as there are a couple of minor edits with respect to the number of properties in town with more than 10 acres that have conservation easements.

VOTE: The motion passed 4-0-0.

With no other business before the board,

MOTION: Dr. Marston motioned to adjourn the meeting; seconded by Vice Chairman Allen. The motion passed 4-0-0.

The meeting adjourned at 8:58pm.

Respectfully submitted,

Catherine Belcher

Catherine Belcher

Land Board Secretary

Minutes approved on May 19, 2022.