

TOWN OF EAST KINGSTON PLANNING BOARD

MEETING MINUTES

May 19, 2022

Pound School
41 Depot Road
East Kingston, New Hampshire

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

AGENDA

Farmer Backlot Subdivision Application – 97 Giles Road
Haley Home Occupation Application – 170 Haverhill Road
Cyr Home Occupation Application – 52 South Road
Anason Two-Lot Subdivision Application – 50 Depot Road

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

Others Present: Julie LaBranche – Planning Consultant and Dennis Quintal – Town Engineer and Conservation Commission Chair.

Applicants and members of the public who participated in the meeting: Timothy Lavelle – Lavelle Associate, Linda Anason, Applicant, Jason Haley – Applicant, Megan Cyr and Jesse Doumaninan – Applicants, Rachel Pizzurro, Benjamin Penta, and Cyrena Shiland – Abutters, and Gail Anderson.

Chairman Bath opened the May 19, 2022 Planning Board meeting at 7:00pm followed by the roll call.

FARMER BACKLOT SUBDIVISION APPLICATION – 97 GILES ROAD – CONTINUED PUBLIC HEARING

Chairman Bath opened the public hearing at 7:01pm 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. He noted the board was in receipt of a letter dated May 9, 2022 from the Farmer's attorney Justin Pasay requesting the public hearing be continued to the June 16th board meeting to allow them time to address some questions raised at the April 21st meeting. Chairman Bath then read aloud a letter submitted by abutter Rosanne Seiler and noted the letter will also be presented at the June 16th meeting to allow the applicants an opportunity to respond.

MOTION: Chairman Bath motioned to continue the public hearing on the 2-lot subdivision plan submitted by Susanna and Davis Farmer located at 97 Giles Road, MBL# 6-1-42 to the June 16, 2022 meeting at 7:00pm; seconded by Mr. Caron. With no further discussion, the motion passed 4-0-0.

Chairman Bath closed the public hearing at 7:04pm.

HOME OCCUPATION APPLICATION – DOG BOARDING LLC – 170 HAVERHILL ROAD – CONTINUED PUBLIC HEARING

Chairman Bath opened the public hearing at 7:04pm for applicant Jason Haley who wishes to establish a home business office per Zoning Ordinance Article XVI Home Occupations on his 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 on the property.

Mr. Haley presented the business operations as a business office only with no traffic, signage, or dog boarding on site. The board then reviewed the home occupation ordinance criteria:

- The Home Occupation must be located within a dwelling unit, or in a building or structure accessory to a dwelling unit. – Business office to be located in the residence located at 170 Haverhill Road.

- The exterior of the building must not create or display any evidence of the home occupation, except a permitted sign and parking for customers and delivery vehicles. Variation from the residential character is prohibited. – There will be no evidence, no sign, no customer traffic and only deliveries via US Mail or the like.
- Adequate off-street parking must be provided for customers and deliveries. All businesses must provide adequate turnaround, drop-off, and pick-up areas in order to prevent cars from waiting in the street right-of-way and to prevent cars from backing up into the public right-of-way. The Home Occupation shall not require regular need for delivery of materials to and from the premises by commercial vehicles over twelve-thousand (12,000) pounds GVWR (e.g., tractor trailers and heavy commercial vehicles). – No customer traffic and no commercial vehicle deliveries.
- The Home Occupation must be conducted by a resident or owner of the property. – Business conducted by Mr. Haley.
- The home occupation must not offend by emitting smoke, dust, odor, noise, gas, fumes, lights, or refuse matter. – Business office only.
- Home occupation must not cause excessive vibrations, store or handle combustible or explosive materials, or negatively impact the physical condition, safety, access or traffic volume of existing roads. – Business office only.
- The Home Occupation must not utilize more than 25% of the gross floor area including dwelling, basement and accessory structures. – The property is on a state road thus allowed 50% of gross floor space. The total floor space of the home is 2,100 square feet and only an office will be dedicated to the business.
- Not more than two non-residents (of the premises or 4 if on state road) may be employed by the Home Occupation. For the purposes of this section, the Planning Board shall determine whether sales or other personnel, who conduct the majority of their business away from the property, shall be included in the count of those employed at the premises. – Mr. Haley is self-employed with no employees.
- Disposal of all solid waste generated by the business must be at the business owner's expense, and shall not be provided by the Town of East Kingston. – No solid waste generated.

There were no comments from abutters. Chairman Bath informed the applicant that the board was short one member and was provided the option to continue the hearing until a full board was presents. The applicant agreed to proceed.

MOTION: Chairman Bath motioned to recommend the Board of Selectmen approve the Home Occupation application of Jason Haley, 170 Haverhill Road, MBL# 11-01-08 for an invisible home occupation to operate a business office for Dog Boarding LLC; seconded by Vice Chairman Allen. With no further discussion the motioned passed 4-0-0.

Chairman Bath informed the applicant of the annual permitting process and that any changes to the scope of the business office would require Planning Board review and Selectmen approval. He then closed the public hearing at 7:11pm.

HOME OCCUPATION APPLICATION – 52 SOUTH ROAD – LAWN HOPPER LLC – PUBLIC HEARING

Chairman Bath opened the public hearing at 7:12pm for applicants Megan Cyr and Jesse Doumaninan to operate a lawn cutting/lawn maintenance business from 52 South Road. The business would include a business office located inside the home and a basic lawn care services offsite; no landscaping services as business equipment consists of one truck, one trailer, a weedwhacker and a lawnmower. The board then reviewed the home occupation ordinance criteria:

- The Home Occupation must be located within a dwelling unit, or in a building or structure accessory to a dwelling unit. – Business to be located at the residence located at 52 South Road.
- The exterior of the building must not create or display any evidence of the home occupation, except a permitted sign and parking for customers and delivery vehicles. Variation from the residential character is prohibited. –

There is no signage on building or on the business truck; however, the business is visible by virtue of the commercially-used truck, trailer and lawn equipment.

- Adequate off-street parking must be provided for customers and deliveries. All businesses must provide adequate turnaround, drop-off, and pick-up areas in order to prevent cars from waiting in the street right-of-way and to prevent cars from backing up into the public right-of-way. The Home Occupation shall not require regular need for delivery of materials to and from the premises by commercial vehicles over twelve-thousand (12,000) pounds GVWR (e.g., tractor trailers and heavy commercial vehicles). – No customer traffic and no commercial vehicle deliveries.
- The Home Occupation must be conducted by a resident or owner of the property. – Business co-owned and conducted by Ms. Cyr and Mr. Doumaninan.
- The home occupation must not offend by emitting smoke, dust, odor, noise, gas, fumes, lights, or refuse matter. – Business office with mowing operations offsite.
- Home occupation must not cause excessive vibrations, store or handle combustible or explosive materials, or negatively impact the physical condition, safety, access or traffic volume of existing roads. – Business office with mowing operations offsite.
- The Home Occupation must not utilize more than 25% of the gross floor area including dwelling, basement and accessory structures. – The office will consume approximately 100 square feet of the home.
- Not more than two non-residents (of the premises) may be employed by the Home Occupation. For the purposes of this section, the Planning Board shall determine whether sales or other personnel, who conduct the majority of their business away from the property, shall be included in the count of those employed at the premises. – Ms. Cry and Mr. Doumaninan are the only employees.
- Disposal of all solid waste generated by the business must be at the business owner's expense, and shall not be provided by the Town of East Kingston. – Grass clippings are disposed/composted offsite.
- Storage of fuels for mowing equipment is limited to gas cans/containers mounted to the truck and trailer – there are no fuel deliveries.

There were no comments from abutters. Chairman Bath informed the applicants that the board was short one member and was provided the option to continue the hearing until a full board was presents. The applicants agreed to proceed.

MOTION: Chairman Bath motioned to recommend the Board of Selectmen approve the Home Occupation application of Megan Cyr and Jesse Doumaninan of 52 South Road, MBL# 13-02-05 for a visible home occupation to operate a lawn mowing service (Lawn Hopper LLC) based on the scope of the business as presented; seconded by Vice Chairman Allen. With no further discussion the motioned passed 4-0-0.

Chairman Bath informed the applicant of the annual permitting process and that any changes to the scope of the business office would require Planning Board review and Selectmen approval. He then closed the public hearing at 7:20pm.

ANASON TWO-LOT SUBDIVISION APPLICATION – 50 DEPOT ROAD – PUBLIC HEARING

Chairman Bath opened the public hearing at 7:20pm for Linda and Christopher Anason to create a two-lot subdivision on their 4.29-acre parcel (MBL# 09-06-01) located at 50 Depot Road. The proposal would create one new residential lot of 2.06 acres and reduce the original lot to 2.38 acres.

Lavelle Associate Tim Lavelle presented the following:

- State subdivision approval was received (eSA2022051901) and will be added to the plan.
- Both lots meet the 200-foot road frontage requirement.

- 4k areas have been approved.
- They are waiting on DOT driveway approval as the originally-submitted driveway plan was amended to address site distance requirements – the proposed driveway was moved farther east down the curve to open up the sight line.

Town Engineer Dennis Quintal presented his review of the plan noting his review letter was drafted prior to the changes made to the plans.

- Incorrect abutter information and MBL#s have been corrected.
- After review of the revised plan depicting the new lot driveway running through the parent lot, he recommends an easement including dimensions be generated to ensure the new home-owners have the right to maintain their line of sight. Should be noted on the plan and written into the deed. Monumentation of this easement should also be required.
- Property lines have been updated on the new plan verifying lot area calculations.
- Test pit data has been since provided.
- Soil information meets the lot size requirements.
- State subdivision approval has been received; they await DOT driveway approval.
- The plans are complete enough for the board to invoke jurisdiction.

Board comments resulted in the following conditions/declarations:

- Bound certification must be provided.
- An escrow account in the amount of \$2,000 to be established to ensure all costs incurred as a result of town engineer and planning consultant reviews. The escrow document and monies to be submitted to the Selectmen's office. Any remaining amount will be returned to the applicant once all payments are disbursed.
- DOT approval is pending.
- Well and septic radius' have been met.
- Both lots contain adequate frontage and lot size requirements.

MOTION: Chairman Bath motioned to invoke jurisdiction on the subdivision plan of Linda Anason, 50 Depot Road, MBL# 09-06-01; seconded by Vice Chairman Allen. With no further discussion the motioned passed 4-0-0.

Abutter's Comments: Rachel Pizzurro of 33 Depot Road inquired on the sale of the new lot. Cyrena Shiland of 39 Depot Road inquired of the type of home to be constructed. It was noted the new lot had not yet been sold as it was not yet an official lot and that a single-family home is being proposed. Abutters also commented that they were pleased the site line was being addressed.

Chairman Bath informed the applicant that the board was short one member and was provided the option to continue the hearing until a full board was presents. The applicant agreed to proceed. The board then discussed granting conditional approval or continuing the public hearing to next month. Outstanding items were listed as:

1. Driveway easement to be added to the plan and to the deed.
2. State subdivision approval to be added to the plan.
3. DOT approval to be ascertained and added to the plan.
4. Bound certification form to be submitted.
5. \$2000 escrow account to be established and submitted to Selectmen's office.

Noting additional review might be necessary depending on the driveway approval, the board agreed best practice was to continue the public hearing.

MOTION: Chairman Bath motioned to continue the public hearing on the subdivision plan of Linda Anason, 50 Depot Road, MBL# 09-06-01 to June 16, 2022 at 7pm; seconded by Vice Chairman Allen. With no further discussion the motioned passed 4-0-0.

Planner LaBranche to provide summary of outstanding items to Mr. Lavelle. Chairman Bath closed the public hearing at 7:53pm.

PLANNING BOARD MEMBERSHIP INTEREST

Mrs. Gail Anderson expressed an interest in serving on the Planning Board. She was advised the board would be holding open house sessions at the June, July and August meetings for interested candidates to learn more about the position. She would be provided information on this once the details were solidified.

MEETING MINUTES

The board reviewed the April 21, 2022 meeting minutes.

MOTION: Mr. Caron motioned to approve the April 21st meeting minutes as presented. Vice Chairman Allen seconded. The motioned passed 4-0-0.

LIGHT INDUSTRIAL PARK DISCUSSION

Discussion ensued on ongoing violations at the light industrial park located at 213 Haverhill Road and the steps to catalogue those violations, addressing them with the property owner, and then forwarding their findings to the Board of Selectmen for enforcement.

BOARD MEMBERSHIP STATUS CHANGE

Chairman Bath reported he has asked alternate member Janet Smith to join the board as a regular member. She has excepted and he will now make official request to the Board of Selectmen.

RPC REPRESENTATIVE

Discussion ensued on the value to recruiting an individual to serve on the Rockingham Planning Commission board as representative for the Town. This will be shared as part of the member recruitment open house initiative at the June, July and August board meetings.

Training opportunities were also noted.

PLANNING CONSULTANT CONTRACT

Planner LaBranche informed the board her contract with the town is up July 31st. She would be forwarding a new contract effective August 1, 2022 with same terms as current for board consideration. This item will be placed on the June 16th agenda.

ADDYSON LANE SUBDIVISION

Mr. Quintal reported there is more work to do with respect to the new road (Addyson Lane) and requested the board consider transferring \$3500 from the restoration escrow account to the engineer review escrow account. This would still reflect a balance of \$3500 in the restoration account.

MOTION: Chairman Bath motioned to approve the request of Dennis Quintal to transfer \$3500 from the restoration escrow account to the engineer review escrow account; seconded by Rob Caron. With no further discussion the motioned passed 4-0-0.

MASTER PLAN UPDATES

The board discussed options to updating the Master Plan (subcommittee, town survey, grant monies, select chapters for updating, RFPs for contracted work). Planner LaBranche will formulate a strategy for moving forward for board consideration.

CERTIFICATION OF BOUNDS

Discussion ensued on inviting the Building Inspector and Town Engineer to the June 16th board meeting to discuss best practices on certifying bounds and creating a fee structure to cover these services.

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 8:17pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on June 16, 2022.