



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2015-2016  
Joe Cacciatore, *Chairman*  
Dr. Robert Marston, *Vice Chairman*

**MINUTES**  
Regular Meeting 21 January 2016  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **PUBLIC HEARING** - for an amendment to Article XIII Growth Management - deletion of paragraph E.11 - to be placed on the Town warrant,

**CALL TO ORDER:** This meeting of the East Kingston Planning Board was called to order at 7:00 pm.

**ROLL CALL:** Mrs. White called the roll.

**Members Present:** Chairman Joe Cacciatore, Vice Chairman Dr. R. Marston, Mr. J. Bath, Mr. B. Caswell and Ex-Officio Mr. R. Morales. Mr. C. Delling was excused.

**Advisors present:** Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche, East Kingston Building Inspector John Moreau and Assistant Building Inspector Tom Welch.

**Board Business**

Mr. Cacciatore opened the meeting at 7:00.

**Minutes**

Mr. Bath **MOVED** to accept the December Planning Board minutes as presented; Mr. Morales seconded. Motion passed unanimously.

**PUBLIC HEARING - for an amendment to Article XIII Growth Management - deletion of paragraph E.11 - to be placed on the Town warrant,**

Mr. Cacciatore opened this public hearing and asked if the Board had any further discussion or changes to the proposal as presented.

The following paragraph will be placed on the Town warrant.

11. ~~In the event that fewer than the maximum annual number of permits are issued in a given year, the remainder shall be available for issue in the following year, at the end of which they shall expire. For tracking purposes, the Building Inspector shall identify building permits by the year in which they were authorized. The equitable limitation calculation of permits allowed to individuals and business entities shall be applied using the current year data.~~

There being no further discussion, he asked for a **MOTION**.

**MOTION:** Mr. Bath **MOVED** the Planning Board place the proposed change to the East Kingston Zoning Ordinance Article XIII, paragraph E.11 for inclusion on the Town Warrant for 2016; Mr. Morales seconded. The Motion passed unanimously.

Mr. Cacciatore closed this public hearing.

### Discussion on the Home Occupation Ordinance

Mrs. White had distributed hard copies of home occupation ordinances from adjoining towns at the previous meeting. Ms. LaBranche then scanned them and emailed to the members for greater ease in crafting changes to the existing ordinance.

Mr. Morales had reviewed the adjoining towns' ordinances and in looking back at East Kingston's, thought they already had a very good ordinance. It might just need some tweaking to firm up the categories of allowed and disallowed home occupations.

He proposed inserting a new section F and re-alpha all following paragraphs as necessary.

- F.** *Annual inspections of the home occupation/home business premises may be required subsequent to the issuance of a permit in order to confirm compliance with the conditions of the original special exception granted. If, in the opinion of the Board of Selectmen, the business practices originally set forth and defined in the initial approval have changed, it shall revoke the permit that was issued. Permit holders whose permits are revoked may make application to the Board of Adjustment for a new permit based on the changed circumstances of the business. Any inspection required by the Town subsequent to the issuance of a permit shall be paid by the permit holder.*

There was much discussion on what was reasonable and not reasonable to include or exclude. Also discussed was how much activity should be allowed and how many home occupations in any given area. It was concluded that trying to control that would be too discriminatory.

The Board also discussed the possibility of limiting delivery vehicle sizes with weight restrictions which would help make sure a home occupation did not turn into a full manufacturing type business, limiting the number of customers at any one time, and conducting yearly inspections.

It was pointed out there was a need for certain types of activity as there were not many businesses in Town, but residents also have an expectation of maintaining peace and quiet where they live.

Mr. Bath reminded the Board that the community had indicated in the past, in visioning sessions and in the Master Plan, that they did not want certain types of activity to happen in the residential zones; they wanted a rural character. He noted there were distinct districts created for certain activities.

Ms. LaBranche explained they could ask the community for input via a survey on the Town website and perhaps conduct some sessions where the residents could give input.

These discussions will continue throughout the year with input from the community and perhaps a warrant article next year for changes.

In the meantime, it was the consensus of the Board that going forward the process would be as follows. After the initial Public Hearing for the Home Occupation (if the Board recommends the home occupation to the Selectmen for approval), the Notice of Decision will be sent to the homeowner for their signature, returned to the Selectmen's Office to be scheduled on the next available Selectmen's agenda for approval and signature, and then a copy returned to the homeowner for their files. The Home Occupation would not be able to commence until this process was complete.

This way there would be no confusion of whether or not the conditions were understood; their signature would be on the Decision.

### Other Business

Day Care Request

Mrs. White reported that Erin Kearney has requested permission to utilize Unit #4 for a short period of time until the construction is complete in the building where her day care will move into. She also submitted a Zoning Verification Form to be signed by the Selectmen (upon recommendation by the Planning Board). Mrs. White explained this was the same form they had recommended to the Selectmen when she started her business. It just ensures the State that the location where Ms Kearney is conducting her business is properly zoned for what she is doing.

Board consensus was that the owner of the complex needed to arrange inspections of the above-mentioned space (Unit #4) with both the Building Inspector and the Fire Chief before they would consider recommending the Selectmen to sign the Zoning Verification Form. Mrs. White will contact him on Friday to relay that message.

Possible Unapproved Home Occupation

Mr. Morales had asked Mrs. White to check if a certain business that was operating via internet advertising was an approved home occupation; it was not. She had contacted the homeowner with instructions on how to apply and the timeframe for the next Planning Board meeting. The Chairman had then been contacted by the homeowner who stated what he was doing was not a home occupation and there was no need for an application and a permit.

After discussion it was the consensus of the Board that the homeowner should come before the Board and explain why what they were doing was not a home occupation and that it did not need a permit. If the Board agreed, nothing more would be necessary. If they did not agree, they would need to go through the permit process. Mrs. White will contact them (and cc the Chairman) and place them on the agenda for February.

**MOTION:** Dr. Marston **MOVED** the Planning Board adjourn, Mr. Bath seconded.

Mr. Cacciatore closed the meeting at 9:00 pm.

The next Planning Board meeting will be on February 18, 2016.

Respectfully submitted,

*Barbara White*

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved February 18, 2016