

EAST KINGSTON PLANNING BOARD

February 18, 1993

Attending: Richard Smith, Sr., Chairman, Dr. Robert Marston, Catherine George, Mel Keddy and Amanda Rossi, Alt.

Others Attending: Peter Dow, RPC Circuit Rider; David C. Boudreau, Jr., Deputy Building Inspector and Larry Smith, Conservation Commission

The meeting was called to order at 7:38pm by Chairman Smith.

Ms. George motioned to accept the minutes of the meetings of January 14 and January 28, 1993.

Mr. Keddy second.

The motion passed 3-0.

Mr. Keddy questioned if the passing of the entire BOCA code would present problems. He stated he has reservations as he does not know what it contains.

The Board discussed that by State Law, work must now be performed by licensed plumbers and electricians. This would not change operating procedure.

Mr. Boudreau stated this adoption would not prohibit self-projects. It would mean you cannot be hired for a job without licensing.

Mr. Boudreau said the State calls for a licensed Master plumber.

Mr. Dow passed out the CIP guidelines. This had the projected operating expenses for 1988 through 1992.

The Board members gave three responses regarding their areas for research.

Ms. Rossi gave Road Agent figures.

Ms. George reported that the school did not have firm figures, they have projections.

Mr. Dow asked if the School Board did any long range planning without the outside consultant.

Ms. George stated yes, they hired NESDEC.

Mr. Dow asked Ms. George to obtain a copy of the report generated.

The capacity projection on Andrews Lane School is expected to last for ten years (180-200 students).

Mr. Keddy stated the Police Dept. will be seeking more training to meet OSHA mandates.

Dr. Marston noted improvements made to the Library during 1988-1992: entrance door, computer, printer, radiator cover. Projections included: replacement of windows, furniture, new furnace and carpeting. They want to upgrade the Memorial Park from donations.

Mr. Smith stated he does not have information from the Fire Dept.

Mr. Boudreau noted there is no water at Giles Road (Ed Smith). He stated they were not supposed to be issued permits. He noted they have received a boiler permit for the last house and everyone had to be careful that no occupancy permit is issued before the cistern is installed.

There was discussion about sending a letter stating the prior to transfer of ownership an occupancy permit must be obtained.

Mr. Dow suggested the a note be recorded at the Registry of Deeds noting the requirement of a cistern prior to transfer.

There was discussion about the Jim Keegan barn and problems surfacing from the replacement barn regarding size, etc. This was put on hold pending Mr. Keegan's application for a Site Plan Review.

The Public Hearing for Mr. Kevin Murphy opened at 8:22pm.

Mr. Smith asked what Mr. Murphy was proposing for a Home Occupation.

Mr. Murphy stated that he wants to sell T-shirts and sweatshirts. He does screen printing. Customers would come to his home and he would then take orders. He stated he has a small showroom in his basement. He would cater to Little Leagues and similar organizations.

Mr. Smith asked if he already has a business.

Mr. Murphy stated that his construction business has not done much and the equipment and materials are being stored there. He said some contractors drop by and no other business is conducted from this location. He contends that all business is conducted at the sight.

Ms. Rossi asked if there is a phone for the business located there, and an office.

Mr. Murphy stated he has only one phone and that is used for personal and business purposes.

Mr. Murphy said if the screen print business gets better, he will phase out the construction business in two years.

Mr. Keddy inquired about hazardous materials with the screen print business.

Mr. Murphy stated that there was none, all materials used are OSHA approved. He said he had all the data sheets. He noted that all paints he uses require 350 deg. to be fully cured, it has a high flash point and there are no odors.

Mr. Keddy asked if he used cleaning solvents.

Mr. Murphy answered that the cleaning solvents used are biodegradable.

Mr. Keddy asked how these were disposed.

Mr. Murphy stated they are washed away, whatever solids that were left behind are no longer hazardous waste. He stated he can provide the safety data sheets for all the materials used. Once applied, all paints and solvents are cleanable with water.

Abutter Charles Marden asked if it is allowable to have more than one business with a Home Occupation Permit per property.

Mr. Smith stated the Ordinance only allows one business.

Mr. Murphy stated that if the construction business were a problem, he could move all of the equipment to Newton. The construction business is the one to be phased out. He noted this was here prior to the Home Occupation Ordinance; it has been there for six years.

Mr. Smith asked about off-street parking facilities.

Mr. Murphy stated that he can accommodate six to eight vehicles off-street plus his own vehicles. He stated that there is ample space and that he could go back on the driveway there, take some of the lawn and back portions behind his house.

Mr. Smith asked if the Planning Board went along with the screen printing, would the trucks go.

Mr. Murphy stated the only time he would bring the trucks home would be for tune-ups of the gutter machine. He would need to bring it home to use the machinery.

Mr. Dow asked if he were to bring his construction vehicles and equipment to Newton, would this create problems there for his friend.

Mr. Murphy stated that this would not be a Home Occupation there, it would be for storage only. He noted that during the summer the equipment goes and stays on the job. It is not at home a large part of the time. When it is home, he said it is stored on the back side of his home.

Mr. Dow stated he is concerned about the problems his friend might come in contact with.

Mr. Murphy said he would move it to his brothers or his parents house. He said it would be going to the sites. He said he has a small truck. He noted that the construction business was reduced to the gutter business and in the winter the truck and equipment doesn't move.

Mr. Dow asked if Mr. Murphy has seen the Home Occupation Ordinance and the permitted uses. He asked which category Mr. Murphy feels the screen printing business belongs in.

Mr. Murphy stated "craft" after looking at the various categories.

Mr. Dow asked about the sports team's interest and asked how many persons would be likely to come to view the samples.

Mr. Murphy stated this would involve one or two persons. He noted he is currently doing the Windham Recreation Dept. He said he would meet with them at the showroom. He anticipates weekend traffic, mostly seasonal, i.e., Christmas. He said he doesn't see high traffic.

Mr. Keddy asked how many workers there would be.

Mr. Murphy stated it would be primarily himself and his wife. He said he has a friend that helps for no pay. He said if the business gets bigger, he would eventually have to move.

Ms. Rossi asked if he were doing the screen printing business now.

Mr. Murphy said he was, he meets with his customers away from home also. He stated he saw the screen print business building as these would be repeat customers. He said he looked into a storefront in Kingston, but he prefers to keep it within his home to keep the costs down. He stated he hoped he would not be there, he wants to expand as the business grows.

Mr. Keddy asked if he were running it all within the basement.

Mr. Murphy stated he uses 10-15% of the floor space. He estimated the press is 6ft. by 6 ft.

Ms. Rossi asked about the display area which was described earlier (as a showroom).

Mr. Murphy stated that the room is 16 ft. x 24 ft. He said he just hangs the shirts on the wall for display. He stated he has arcade games there, which will stay. He stated he put up shelving in this room. The other room in the basement is 18 ft. x 24 ft. This houses the furnace and laundry room also.

Mr. Keddy asked if there would be specific business hours.

Mr. Murphy was not sure. He said he would be open on weekends and by appointment. He stated he is open sporadically during the week. He noted the construction is his bread and butter right now. He would be open from 5 to 8pm during the week, but not during the summer. He would open in October to Christmas for the busiest season. He would be open on weekends. He also would be open on weekends during the summer. He noted that he is located on Route 108 where there would be beach and mountain traffic going by and they might stop by to pick items up.

Mr. Keddy asked if these were ready to wear items also. He stated he would be selling the items in the racks in the house.

Mr. Keddy asked if he would be operating like a store.

Mr. Murphy stated he will be retailing the T-shirts and sweatshirts.

Mr. Marden brought up the chemicals and hazardous materials question again. He wanted to know if anyone on the Board has the expertise to know what is going on. He asked if the Fire Dept. has the knowledge to handle the various chemicals.

Mr. Murphy stated he used water based ink, plastoral ink which has a low/no flash point. He said he would provide a copy of all materials to give to the Fire Dept. He stated all items are what you would commonly find in anyone's garage. He emphasized the lower flash point of the paints that are used in this process. He stated he buys the common colors in gallon containers, while the neons and less popular colors are bought in pints. He states he does not store more than 5 gallons at any one time. He stated there is one gallon of cleaner there now. The cleaner is diluted with water when used.

Ms. George asked where the water goes when he disposes of it.

Mr. Murphy stated that it is dispensed into the household septic system, and it is perfectly safe. It is approved for use and to dispose of in public systems. He said the manufacturer of the product works with Greenpeace. He stated this is true of many screen print companies.

Ms. George asked if he has the studies that prove this.

Mr. Murphy stated he does.

Ms. George asked what the solid waste consisted of, which Mr. Murphy referenced prior.

Mr. Murphy stated that when rinsing the residue of paint is caught by the screen, and this is then scraped off and through out with the household trash. He noted the paint does not dry, it could be reused. He offered to bring in the screen to show to the Board.

Mr. Keddy asked him to leave copies of the data sheets in the Town Office. He noted his concern with the disposal of the chemicals. Mr. Keddy also stated that data sheets are known to be in error in certain cases.

Mr. Murphy stated he wouldn't risk damaging his own system.

Mr. Smith asked the Board if they wanted to wait until the next meeting before making a recommendation to the Selectmen.

Mr. Smith stated that he wants the Fire Chief to check before the Selectmen make their decision.

Dr. Marston expressed his concerns about two businesses at the same location.

Ms. Rossi noted that he still has a phone to conduct the construction business.

Dr. Marston said Mr. Murphy could bring the trucks and equipment back in a month or so.

Mr. Murphy did not agree, he said the construction business is not a Home Occupation and that he only takes phone calls.

Ms. Rossi stated that most Home Occupations are in the same situation, they do not work at home, but they do obtain a Home Occupation Permit.

Mr. Dow asked the Board how tight they want to limit to the letter of the ordinance. He compared the "retail versus craft" aspects of the proposal. He noted that the more "retail" it becomes, the more of an issue it becomes.

Mr. Murphy stated that his business could be complimentary to the business across the street from his house, which is a craft shop. He stated his customers can park across the street, there would not be a problem. He suggested if traffic became a problem, he could come back to the Board and/or move out, etc.

Mr. Boudreau asked if there were no evidence of construction business, would it be okay; and if there were evidence, would he be in non-compliance.

Mr. Dow read the section of the ordinance that clearly stated there shall be no outside evidence of business, except for the allowed signs.

Mr. Murphy asked if there would be a problem if the construction vehicle was parked there overnight.

Mr. Keddy said, yes.

Mr. Dow asked if he had considered lettering the construction truck to state: Murphy Enterprises, to cover the two businesses.

Mr. Murphy stated that for IRS purposes, you must have permanent lettering to write the vehicle off.

Mr. Keddy noted that this would be a problem.

Mr. Murphy stated that the second cube van, the A1 Tire van, was in his yard because he now owns it because it was repossessed (in lieu of payments??) and he expects that it will be gone in two weeks.

Dr. Marston asked if he was using two trucks for the construction business.

Mr. Murphy stated that the big cube van would go to Newton. He stated he is looking to shutting down December 01 until April 01 annually. The truck would be in East Kingston when he dropped by to use the equipment to fix the gutter machinery, or when he stopped by his home, and the rest of the equipment would be stored elsewhere.

There was brief discussion about going to the Board of Adjustment for a variance to allow two businesses. It was discussed that this issue just came before this Board last month and it was not allowed.

Ms. Rossi asked, since you are now being so honest, are you going to keep doing these businesses (with or without the permits).

Mr. Murphy stated the construction business would go completely and he would have a separate phone for it.

Ms. Rossi stated the Town's people voted in this ordinance and the Board has to enforce it.

Mr. Keddy noted that changing the lettering on the truck would not solve the issue of the same phone being used for both businesses and personal use.

Mr. Keddy stated the Board cannot just say, go on with two businesses.

Mr. Murphy asked if this end of Haverhill Road was zoned for Commercial (meaning the closer end).

The Board informed him that this end of Haverhill Road is zoned commercial, therefore, two businesses on the same property is allowable.

Mr. Murphy asked if the other end could have only one business.

Ms. Rossi stated this is what the ordinance states.

Mr. Smith also noted that only one business per property is allowed.

Mr. Murphy stated, it is simple, the construction business will move. The printed articles is the growing business and still growing.

Ms. Rossi asked how to word the motion, data sheets are required and they have to address the construction end.

Mr. Murphy stated that occasionally the cube truck would be at his house, but it would not stay overnight.

Dr. Marston motioned to recommend the screen print business with these conditions:

1. Data sheets to be provided.
2. Fire Chief to review these sheets and the chemicals.
3. No construction business on site.

Mr. Dow underscored no permit for construction business, right?

Mr. Keddy second.

The motion passed unanimously.

The Public Hearing for Mr. Murphy was closed at 9:17pm.

Mr. Murphy asked where to drop the data sheets off.

He was told to leave them at the Town Office.

The meeting was adjourned at 9:45pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant

Typed: February 22, 1993