



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2014-2015
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 19 February 2015
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Public Hearing** for Home Occupation application for Cheryl Doucette, 174 North Road, MBL 16-03-03 to operate an e-commerce shop providing herbal remedies, education and products such as relaxation CDs to support optimal wellness and associated bookkeeping / office functions.
- ◆ **Review** of Subdivision Regulation updates and changes
- ◆ **Board Business**

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

ROLL CALL:

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

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

Minutes

January minutes will be approved with the February minutes at the March 19 meeting.

Public Hearing for Home Occupation application for Cheryl Doucette, 174 North Road, (MBL 16-03-03) to operate an e-commerce shop providing herbal remedies, education and products such as relaxation CDs to support optimal wellness and associated bookkeeping / office functions.

Mr. Cacciatore opened this public hearing and asked Ms. Doucette to explain her application.

Mrs. Doucette noted she was a Nurse Practitioner with a private practice, Centerpeace Mental Health and Wellness Center, in Exeter. She had interned for 9 months to be certified as an herbalist. She uses tea blends, salves, tonics, and bath salts in her healing processes. She is also a hypnotherapist and records CDs for her practice.

Mr. Cacciatore asked if she would be working by herself; Ms. Doucette answered she would. She has around 70 products and is in the process of building up inventory so she can ship out her products. Ms. LaBranche asked if he made her own products; Ms. Doucette noted she did.

Mr. Cacciatore noted the hours she asked for was 8-5 Monday through Saturday.

Mr. Morales asked if clients would be coming to her residence. Ms. Doucette stated all her clients and workshops would be conducted out of her office in Exeter.

Mr. Morales clarified all she would be doing was shipping out products; Ms. Doucette answered yes. Mr. Cacciatore noted it would be like a mail order business conducted out of her house.

Ms. Doucette noted on her application deliveries would happen approximately 2 times per week and her supplies would be herbs and packing containers. She indicated she would use one vehicle and there was available parking for 6 cars.

Mr. Bath asked what would be involved with the Homestead Kitchen she indicated on her application. Ms. Doucette noted since submitting the application, she had checked with the state and since her products have been identified as supplements and not food, she did not need to apply for the Homestead Kitchen.

Ms. Doucette noted most of her ingredients were organic dried herbs which required dry mixing; there would be some melting of bees wax for the salves but at a very low temperature.

Mr. Bath noted there might be some inspections from the Fire Department necessary for her kitchen. Mr. Cacciatore noted since she was not cooking, he opined it would be considered as a regular kitchen.

Ms. Doucette opined she could be considered as an invisible home occupation as she does not want to have a sign.

Mr. Cacciatore noted there were no abutters present and indicated that Ms. Doucette's home occupation appears to meet the ordinance. Mr. Cacciatore asked if the Board or Ms. LaBranche had any additional discussion/questions. There being no none, he asked for a **MOTION** on this home occupation.

MOTION: Mr. Bath **MOVED** to recommend, as an invisible home occupation, the home occupation for Cheryl Doucette, 174 North Road, (MBL 16-03-03) to operate an e-commerce shop providing herbal remedies, education and products such as relaxation CDs to support optimal wellness and associated bookkeeping / office functions to the Selectmen; Mr. Morales seconded. The vote was unanimous.

Mrs. White indicated she would send a letter of recommendation to the Selectman and copy Ms. Doucette.

Mr. Cacciatore closed the public hearing. Ms. Doucette thanked the Board for their time.

Mr. Cacciatore closed this public hearing.

Review of the February 11 Minutes for Special Public Hearing and Memorandum to the Planning Board

Ms. LaBranche distributed the minutes from the February 11 Special Public Hearing for Board review, and her memorandum to the Planning Board which includes factual information regarding the Citizen's Petition and the procedure that would be followed if the petition secured a majority vote by the East Kingston voters.

The Board reviewed the minutes and memorandum and had no changes; during the review and discussion, Ms. LaBranche noted a few changes she would make before distributing the final versions of both these documents.

The Board had some discussion on what would happen if the petition passed. Ms. LaBranche noted that it would mean that the 2 acres would then be zoned commercial and the assumption was that any commercial use could be possible, not just the one that was being asked for at the present time.

The Board also had discussion regarding prior attempts to extend the commercial zone from Town border to Town border and/or extending the Town Center District from the Kingston border to North Road. As some members thought there needed to be some better opportunities for growth in this area, they decided they would revisit this topic later on in the year and perhaps initiate a new warrant article for some type of change.

Mr. Cacciatore asked for a **MOTION** on the February 11 minutes and the memorandum.

MOTION: Mr. Morales **MOVED** to approve the draft minutes as amended for the Special Public hearing dated February 11, 2015; Mr. Delling seconded. The vote was unanimous.

MOTION: Mr. Morales **MOVED** to approve the Memorandum from Julie LaBranche, Circuit Rider Planner, dated February 19, 2015 re: the Citizen's Petition to change the Zoning for MBL14-02-03 as amended; Mr. Delling seconded. The vote was unanimous.

Ms. LaBranche will email both documents to Mrs. White. Mrs. White will send a copy of each of these amended documents to the Board members and to abutters and any resident that had attended the February 11th Public Hearing.

Board Business

Subdivision Regulations Update Review

Ms. LaBranche continued reviewing her updates and additions with the Board for pages 18-43. Underlined material was new information and strikethroughs indicated eliminated information. Ms. LaBranche noted Conservation Chairman Dennis Quintal would still need to review the soil requirements for the Erosion and Sedimentation Control section.

1. Section XI - Special Flood Hazard Areas - additions for clarification and updated agency information. Ms. LaBranche noted this section should be in accordance with the updated FEMA Flood standards for smaller communities so she will add the same revisions in this section as used for the other communities.
2. Erosion and Sedimentation Control - this section still needs to be renumbered. This entire section was added into the Subdivision Regulations to mirror the information stated in the Site Plan Review Regulations. Ms. LaBranche will also add a paragraph (8) detailing liability and maintenance information.

Mr. Bath asked if there was an emergency with potential for catastrophic damage to wetlands because systems were not put in place, was there a mechanism by which the Town could step in and make the necessary changes and be reimbursed by the responsible party? Mr. Morales asked if he meant it was not done or was done but something happened? Mr. Bath clarified he meant in the process of getting done, or is not done yet or is overcome somehow by circumstances. Something similar had happened before where there was a bond for the road but nothing else.

Ms. LaBranche will add *for example, in an emergency situation* to the end of (f). Mr. Bath noted in 4.g it did say the property owner bore final responsibility for installation, construction, inspection and maintenance of stormwater management and erosion control measures and asked if "*cost and completion*" could be added to that section. Ms. LaBranche will add this to the section.

Mr. Cacciatore asked if the person who would check on that would be the Town Engineer? Mr. Morales noted before it had also been Conservation who was involved. There was mention perhaps there should be a separate bond for erosion control; Ms. LaBranche suggested they revisit that topic when they got to the section on bonding.

Ms. LaBranche noted that sections e, f and g together formed the legal basis for the applicant knowing they were the responsible party.

3. Post-Construction Stormwater Management - this section still needs to be renumbered. This entire section was added into the Subdivision Regulations to mirror the information stated in the Site Plan Review Regulations. In section 4.d., Stormwater System Design Performance Standards, Ms. LaBranche noted she will add that all applications will use the new precipitation data from the Northeast Climate Data Center.

4. Section XIV - Granting of Waivers - This section was updated to read the same as the waiver information in the Site Plan regulations.
5. Section XV- Construction of Roads - Paragraph C - Ms. LaBranche noted it appeared this section was antiquated. It does have to do with construction of the road, but now this aspect is taken into consideration for the entire site, not just the road. Ms. LaBranche suggested striking numbers 1 & 2 and after Drainage, and add a note to refer to the Stormwater Management Section; the Board agreed.

Mr. Morales noted that road surface information was going to be revisited at some point by the Selectmen for the various roads.

6. Procedure for Submission of a Subdivision Application - Paragraph A - Establishing of an Escrow Account - was added. The review of *all components of application materials* was added. Also the form of escrow account (*cash, surety, passbook*) will be added. Ms. LaBranche will check with Mrs. Hurteau at Town Office to see what form is generally used.
7. Establishment of a Bond/Surety - this entire section is new. Ms. LaBranche noted section D.2. stated the performance guaranty would be 110% which builds in a safety net in the case that costs rise. Mr. Cacciatore noted that there is potential that a bond would not cover costs if it was necessary to take over something the developer did not complete. Ms. LaBranche opined the Board could add that the bonding amount would be revisited every 2 years to make sure it was still adequate. Mr. Morales thought that would be good to add. Ms. LaBranche suggested that the Town Engineer also review this section.

The last section is the submission requirements and Ms. LaBranche will review these with Mr. Quintal.

John Moreau asked if the bond would cover road maintenance in the event the developer did not finish the road (top coating) or keep up with the plowing until the road has been accepted. This has already happened for one development. Ms. LaBranche noted it can be added that the bond will also cover road maintenance.

Ms. LaBranche noted there were no fire protection or landscaping requirements in the subdivision or site plan regulations and thought the Board might want to consider adding something in those areas.

Mr. Morales noted in past years it seems as though the Planning Board had been on top of reviewing the regulations, but it appears as if that had dropped through the cracks in more recent years. He asked how often they should be reviewing the regulations. Ms. LaBranche recommended reviewing at least every 5 years would be adequate. Mrs. White noted that where possible, more generic references have been added so updates would not need to happen so often unless specific legislation changed.

ADJOURNMENT

MOTION: Dr. Marston **MOVED** the Planning Board adjourn; Mr. Bath seconded. The motion was unanimous.

The meeting was closed at 8:40 pm. The next Planning Board meeting will be March 19.

Respectfully submitted,

Barbara White

Barbara A. White
Planning Board Secretary
Mr. Cacciatore, Chairman

Minutes approved March 19, 2015