

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
March 15, 2001

FILE

AGENDA

7:15 Christopher Murphy – Home Occupation – Public Hearing

Members attending: Richard A. Smith, Sr. – Chairman, John L. Fillio – Ex-officio, Dr. Robert Marston, and Beverly Fillio.

Absent: David G. Morse and Alternate Edward C. Johnson.

Others attending: Maura Carriel – RPC Planner, J. Roby Day – RP Commissioner, Alan Mazur – Fire Chief, Christopher Murphy, and Janet Damsell.

Chairman Smith opened this March 15, 2001 planning board meeting at 7:05 p.m. with the role call.

Planning Board Minutes: The Board reviewed minutes dated February 15, 2001.

MOTION: Mr. Fillio motioned to approve the Planning Board minutes dated February 15, 2001 as written. Dr. Marston seconded. With no further discussion, the motion carried 3-0 (Mrs. Fillio abstained).

Chairman & Vice Chairman Nominations: Chairman Smith opened the meeting to nominations for the one-year terms of chairman and vice chairman to the Planning Board. It was noted that each March the current chairman and vice chairman terms expire.

MOTION: Dr. Marston motioned to nominate Richard Smith as East Kingston Planning Board Chairman. Mrs. Fillio seconded.

DISCUSSION: Chairman Smith asked if any other member was interested in the position. None were thus he accepted the nomination.

Chairman Smith called the vote and the motion carried 3-0 (Chairman Smith abstained).

MOTION: Mr. Fillio motioned to nominate Beverly Fillio as East Kingston Planning Board Vice-chairman. Chairman Smith seconded.

DISCUSSION: Mrs. Fillio accepted the nomination.

Chairman Smith called the vote and the motion carried 3-0 (Mrs. Fillio abstained).

Home Occupation Application: Noting that the existing Home Occupation application required updating due to recent amendments to the Home Occupation Ordinance, members reviewed a draft application produced by the recording secretary. Members stressed that all home occupation applications must be completed in full, including all fees paid and all attachments in order, and that it be reviewed by the recording secretary for its completeness PRIOR to forwarding it to the Planning Board for consideration, and that this should be noted on the application itself.

Further review of the draft application resulted in incorporating a certification statement to the worksheet page certifying the information on that page as well as that the building housing the proposed home occupation meets all fire and building codes. It was noted that some types of home occupations would require annual fire inspections.

MOTION: Vice-chairman Beverly Fillio motioned to approve amendments to the Home Occupation Application as amended. Dr. Marston seconded. With no further discussion, the motion carried 4-0.

Christopher Murphy – 66 Willow Road Home Occupation – Public Hearing: Chairman Smith opened the public hearing for Christopher Murphy of 66 Willow Road at 7:25 p.m. Mr. Murphy is proposing a web design business from the Willow Road location. Chairman Smith then recused himself from acting on this matter as he is a direct abutter to the proposal. Vice-chairman Beverly Fillio conducted the hearing in his place.

Mr. Murphy began by describing his web design business. He stated that his equipment includes a telephone, a computer, and an Internet connection. He has been doing web design for a long time and has developed sites for several companies. He stated that he is renting a room from his grandmother. He then submitted a written letter of permission from Eleanor Gaile Hanscom (owner of record) allowing him to conduct this business from the residence.

Members reviewed the application and photo of the premises submitted and requested that an up-to-date photo be submitted, as the one before them was a few years old. The recording secretary offered to take a picture of the property to be placed on file. It was also noted that a balance of \$4.50 was due to cover all abutter fees (the list of abutters submitted by the applicant did not include the applicant himself). For the record, Mr. Murphy submitted \$4.50 in cash to the recording secretary.

Members continued to review the application and asked several questions, which generated the following information from the applicant:

At this point in time Mr. Murphy does not have a sign but will want one at a later date. The issue of signage is what prompted him to request a public hearing; otherwise he felt the business would fall under the invisible clause. He would generate little or no traffic as the process of the business is that he would receive a telephone call from a potential customer, he would drive to their place of business for consultation, then he would design and produce the website from his computer at home. The site can then be viewed from any location on line. He is the only employee of the business.

Mr. Fillio informed Mr. Murphy that if anything about the business changes, he must come back before the board. They must be notified if more employees are hired, if the traffic pattern should change, if an addition is made to the house to accommodate the business, if commercial vehicles are used – any changes must be approved by the board.

Vice-chairman Beverly Fillio opened the meeting to questions or comments from the public.

Fire Chief Alan Mazur asked if the home had smoke detectors.

Mr. Murphy replied that it did and that he recently purchased two new fire extinguishers as well.

MOTION: Mr. Fillio motioned to recommend the Board of Selectmen approve this application for home occupation as presented. Dr. Marston seconded. With no further discussion, the motion carried 3-0 (Chairman Smith abstained).

Mr. Murphy was then informed of the remainder of the application process – the application would then go before the Board of Selectmen (usually on the following Monday) for final consideration. He was then advised that if he wanted to be present when the Selectmen considered his application, he could call the Selectmen's office and be placed on the agenda.

It was then noted that Mr. Murphy was interested in designing a website for the Town. He was advise to discuss such plans with the Selectmen. Mr. Murphy thanked the board and then left the meeting at 8:43 p.m.

Vice-chairman Beverly Fillio commented these are the types of businesses she would like to see encouraged in town – the ones that are virtually invisible except for a sign.

Planning Board Minutes: The Board reviewed work session minutes dated March 12, 2001.

MOTION: Vice Chairman Beverly Fillio motioned to approve the Planning Board minutes dated March 12, 2001 as written. Dr. Marston seconded. With no further discussion, the motion carried 4-0.

Growth Management Chapter: As discussed at the March 12th work session, members expressed their interest in drafting a Growth Management Chapter to be added to the Master Plan. Such a chapter would provide support to the existing Growth Control Ordinance as well as any future plans for implementing impact fees. Also noted at the meeting was the fact that RPC Assistant Director Glen Greenwood offered to supply the board with copies of Brentwood's Master Plan growth chapter. Ms. Carriel stated that she would provide Brentwood's chapter to the board before the next meeting (she will email it to the recording secretary who would mail it out with the minutes of the meeting).

Capital Improvements Plan (CIP): Noting that the deadline for department heads to submit their completed CIP worksheets to the board was fast approaching, and that only one had been received thus far (Animal Control Officer's), Ms. Carriel iterated that other town's planning boards would assign its members to collect the outstanding worksheets. Members agreed to this procedure and the following departments were assigned:

Mr. Fillio – Board of Selectmen, Police Department, Fire Department, Town Clerk/Tax Collector, and Building Inspector.

Vice-chairman Beverly Fillio – School Board, Historical Committee, Library Trustees, Emergency Management, and Cemetery Trustees.

Dr. Marston – Conservation Commission.

Mr. Morse – Recreation Department, Recycling Committee, and Highway Department.

It was noted that in addition to contacting the above-assigned departments, members could offer their assistance in getting the worksheet completed. The March 16th deadline for these worksheets was then extended to April 23, 2001.

Growth Control Ordinance: Members acknowledged correspondence to the Building Inspector regarding building permits issued in 1998 and Woldridge Meadows. Excerpts from the 1997 & 1998 Planning Board minutes were read aloud.

Discussion of the board's intentions in drafting the original GCO transpired. It was noted that the ordinance requires an annual review and an update of its figures to adjust the number of building permits allowed in a given year – all to be determined by growth data and the number of houses in existence in town. The sunset clause was written to address concerns of Town Counsel regarding carry-over provisions.

Impact Fees: Members engaged in a discussion regarding impact fees. After having absorbed the information from the March 12th meeting on impact fees with RPC Assistant Director Glen Greenwood, members were ready to discuss how such fees might affect East Kingston. They agreed that setting a high fee such as what the Town of Brentwood is considering (\$10,000) is both discriminatory and it places undue hardship on the developer. They also agreed that the language of the ordinance should be placed in the zoning ordinance and the actual figures and fees be placed elsewhere in the regulations so that figures can be updated as needed without having to go through a Town Meeting, or a specific formula could be placed within the zoning ordinance.

Members reviewed the model impact fee ordinance drafted by Barton Mayer – it did not include a formula. They noted that a formula must be used to determine how much impact (or cost) a single home has on a police department, fire department, and school. Capital expenditures considered must be of infrastructure, etc. – but not for operational costs. The CIP and Master Plan must also be in place. Impact fees can consider past and projected impact.

Members agreed that the eight to ten month period noted by Mr. Greenwood for RPC to put together a model impact fee ordinance might be too long of a wait for East Kingston. They would review the information regarding impact fees (distributed by Ms. Carriel) and then schedule a meeting to discuss it.

Elderly Housing: The recording secretary stated that she has been fielding several phone calls with questions regarding the Elderly Housing Ordinance and the Levis property. Recent questions focused on the intent of the newly adopted building size restrictions. Does the square footage measurement provision include decks and garages? They are considering single family, single story homes with garages and decks. If garages and decks are part of the 1,500 square feet allowed, the actual living space would be too small.

Mr. Fillio stated that in his opinion, garages are exempt from living space and that he doesn't believe it should be part of the square footage – other places in the ordinance require living spaces to be at least 800 square feet.

Chairman Smith offered a suggestion around this by constructing detached garages instead. He also stated that it sounds like the developer is trying to build too much of an elderly housing home and that people won't be able to afford them.

Members then directed their discussion to the need to draft a age-restricted deed or covenant that would stand up in court – this is where Town Counsel will need to come in. When the board and Town Counsel approve covenants, the association owners should not be able to change them later on down the road. The language for such a covenant is vital to the success of an elderly housing community. It was suggested that in addition to drafting quality elderly housing covenants that the parcel also be rezoned elderly housing to provide additional support for the age restriction. Members agreed that rental properties within an elderly housing

community are easier to manage than home ownership. It was noted that both Kingston Pines and Packer Meadows are both rental properties. This issue will be placed on the agenda for next month.

Work Session: Members discussed scheduling a work session to address the updating of the CIP, the drafting of a growth management chapter, and drafting an impact fee ordinance. It was agreed that the growth management chapter is first priority with the impact fee ordinance a second. The CIP should also begin in April as it is scheduled to be completed by June.

Members then scheduled a work session to be held on April 5th at 7:00 p.m. at the Town Hall. The agenda will include items mentioned above.

Ms. Carriel informed that board that in addition to the impact fee and growth management information, she also distributed information regarding the Simplex v. Newington court case and information on pending legislation regarding Master Plans. She encouraged members to read the material and be ready to discuss it at the work session.

With no further business,

MOTION: Dr. Marston motioned to adjourn. Mr. Fillio seconded. With no further discussion, the motion carried 4-0 and this March 15, 2001 Planning Board meeting ended at 8:50 p.m.

Respectfully submitted,

Catherine Belcher, Secretary

Minutes completed and on file March 18, 2001.

Approved: 4/19/01