



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2010-2011
Ron Morales, Acting Chairman

MINUTES
Regular Meeting 17 March 2011
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval** February 17 minutes
- ◆ **Public Hearing** – Site Plan Review for Larry & Karen Bean, 4 Powwow River Road (MBL 10-03-10)
- ◆ **Board Business**

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:02 pm.

ROLL CALL: Mrs. White called the roll.

Members: Mr. R. Morales, Dr. R. Marston, Ex-officio Mr. D. Poeleart. Mr. E Warren and Mr. P. Gilligan were not in attendance.

Alternates: Mr. J. Cacciatore

Advisors: RPC Planner Ms. Julie LaBranche

Others - Mr. Larry Bean, applicant and Mr. Jason Williams, prospective tenant.

Board Business

Mr. Morales appointed Alternate Joseph Cacciatore as a voting member in the place of Mr. Warren.

Minutes - Approval of the February 17th minutes.

MOTION: Dr. Marston **MOVED** to approve the February 17th minutes as presented. Mr. Cacciatore seconded; the motion passed unanimously.

Public Hearing – Site Plan Review for Larry & Karen Bean, 4 Powwow River Road (MBL 10-03-10)

Mr. Morales invited Mr. Bean and Mr. Williams to the front and asked Mr. Bean to explain why he was there.

Mr. Bean explained he had been before the Board approximately 1 1/2 years ago with an application for a tenant for his property, which is zoned commercial. Before his public hearing date, his prospective tenant had to back out of the intent to rent, and the Board had informed him at that time that when he was ready to come back before the Board with another tenant, he would not need to pay the entire application fee but just the noticing fees for abutters. Mr. Bean was before the Board tonight with a new prospective tenant and had taken care of the fees to notify the abutters. He thanked the Board for not assessing him another entire application fee.

Mr. Bean had procured a building permit for the work to divide the space in the barn into 4 sections to be used as individual commercial condos and was going to arrange for a porta-potty as there is no plumbing in the barn. The Board had concerns about the porta-potty which they expressed later in the discussion.

Mr. Morales asked Mr. Williams to explain about his business. Mr. Williams explained he had moved from Jamaica 18 years ago and was a Master Carpenter and cabinet maker. He passed around a brochure to the members to see some examples of his work. He was presently working out of Newton, but would like to rent space in Mr. Bean's barn for his carpentry business.

He was a Master Carpenter and Builder for both residential and commercial building and worked under the name Rockingham Custom Woodwork, LLC.

Answers to Board questions noted Mr. Williams only used water-based polyurethane so there were no hazardous materials in that respect. All his machinery had a dust collection system attached so there was no sawdust to worry about catching fire. He puts the sawdust into filter packs and disposes of it at the Raymond dump.

Mr. Bean noted he would be renovating the center of the existing barn for a 36' x 36' business condo for Mr. Williams with a garage door, for which he has already acquired a Building permit. He was going to install a heater which was to be inspected by the Fire Department.

Ms. LaBranche referred to the site plan and asked if there had ever been a site plan review for this building? Was it ever permitted as a commercial building, even though it was in the commercial district? It was noted it had been used for a commercial poultry raising business, but had not had a site plan as a commercial building.

Ms. LaBranche noted that this was a change in use and the Board would need to decide if it would require a minor or major site plan review. They would also need to consider parking, lighting, working hours, number of employees and signage. The Board decided only a minor site plan review was necessary.

Mr. Bean amended his application to a site plan review with change of use and tenant approval.

MOTION: Dr. Marston **MOVED** to accept Mr. Bean's amended application as a minor site plan review for a change of use and tenant approval. Mr. Cacciatore seconded; the motion passed unanimously.

The Board reviewed the following items with Mr. Bean and Mr. Williams. Answers are in bold.

1. Hazard materials.
No hazardous materials would be on site.
2. Odor:
There will be no odors detectable beyond the property line as all stains are water-based.
3. Gases:
No noxious, toxic or corrosive fumes or gases will be emitted.
4. Dust and Smoke:
No observable dust or smoke will be exhausted into the air. Waste is self-contained into the dust collection system. Sawdust goes into a filter bag and gets disposed of at the Raymond dump.
5. Heat and Glare:
There will be no heat and glare shall evident beyond the property line.
6. Exterior Lighting:
The only exterior lighting will be a properly shielded light on an approved sign or above the door.
7. Noise:
No noise will be detectable beyond the property line and there will be no external loud speakers.
8. Vibration:
There will be no vibration perceptible at or beyond the property line.
9. Radiation:
There will be no radiation.
10. Waste Disposal and Water Service:
Waste Disposal will be handled by the tenant by private means and not disposed of expecting the Town services to pick up the trash.

11. Storage:

There will be no material, machinery, supplies and equipment, including company owned or operated vehicles, stored between the street line and the front line of structures.

The Board had the following additional discussion with Mr. Bean and Mr. Williams.

- Mr. Bean would need to provide the following additional information on a amended copy of the site plan for the Board as per the conditions of approval:
 - ✓ Show where proposed parking would be (Section VIII - Site and Building Design Requirements, Paragraph 7 - Parking)
 - ✓ Show the location of the proposed sign, with a separate sketch of the sign complying with the restrictions from the ordinance (Section VIII - Site and Building Design Requirements, Paragraph 5 - Signs)
 - ✓ Show exterior lighting; needs to comply with (Section VIII - Site and Building Design Requirements, Paragraph 4 - Lighting)
 - ✓ Show the proposed location of the porta-potty
 - ✓ Show the location of the dumpster.
- There would need to be a safety inspection done by the Fire Department to ascertain if the existing conditions were adequate or if a sprinkler system would be needed.
- The Building Inspector would need to ascertain if a porta-potty would be allowed.
- The Building Inspector would also need to grant an occupancy permit which is based on the Planning Board receiving the additional items required in the conditional approval.
- Lighting and sign specifications as per the ordinance would need to be complied with. A sketch of the proposed signage would be necessary, complying with the sign restrictions from the ordinance.
- An outside light on a motion sensor or timer was suggested for safety in the winter and at night.
- The Board was unsure if Mr. Bean would need a driveway permit, as the access had been on Route 108 for a number of years. They suggested he check with the Building Inspector.
- The Board suggested Mr. Bean might want to use some crushed stone in the driveway to eliminate mud from Mr. Williams' trucks being dragged onto the highway in the wet weather.
- Hours of operation: ***Mr. Williams asked for the hours of 7:00 am to 7:00 pm, Monday through Sunday.***
- Employees: ***Mr. Williams asked for approval for up to 5 employees to allow for expansion.***

Mr. Morales opened up the floor to abutters; there being none, he closed the floor.

The following conditions of approval were given to Mr. Bean.

- Mr. Bean will provide the following additional information on a amended copy of the site plan for the Board:
 - ✓ Indication of where proposed parking would be.
 - ✓ The location of the proposed sign, with a separate sketch of the sign complying with the restrictions from the ordinance which shows proposed lighting for the sign with specifics.
 - ✓ The location of any exterior lighting.
 - ✓ The proposed location of the porta-potty.
 - ✓ The proposed location of the dumpster.

- A safety inspection is to be done by the Fire Department to ascertain if the existing conditions are adequate or if a sprinkler system is needed. An annual inspection from the Fire Department each year after that.
- Approval by the Building Inspector for the porta-potty.
- Certificate of Occupancy from the Building Inspector will be based upon Mr. Bean providing the required items from the Conditions of Approval.
- Applicant will comply with all State and Federal requirements.
- Applicant will need to come before the Planning Board for any changes to these approved conditions.
- All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

The following Conditions of Approval were given to Mr. Williams:

- Mr. Williams is approved to operate Rockingham Custom Woodwork, LLC with the hours of 7:00 am to 7:00 pm, Monday through Sunday and approved for up to 5 employees.
- Mr. Williams is also mandated to keep to the 11 items reviewed by the Board from the Site Plan Review process (attached).
- Trash disposal will be the responsibility of Rockingham Custom Woodwork and Mr. Williams.
- An annual inspection from the Fire Department.
- Applicant will need to come before the Planning Board for any changes to these approved conditions.
- All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

MOTION: Mr. Poeleart **MOVED** to approve the minor site plan for 4 Powwow River Road with a change of use from agricultural to commercial with the conditions noted above. Dr. Marston seconded; the motion passed unanimously.

Mr. Morales closed the Public Hearing. Mr. Bean and Mr. Williams thanked the Board for their time.

Mr. Bean will supply the Board with the amended site plan they requested, submit an amended application, submit a sketch of the sign complying with the restrictions from the ordinance (size) which shows proposed lighting for the sign with specifics showing the proposed location, and obtain all the necessary state and federal permits.

Ms. LaBranche asked if the Notice of Decision would be recorded; Mrs. White noted that in most cases they were not. She did suggest that Mr. Bean might want to consider recording this decision as it was a change of use from agricultural to commercial, and thought the charge could be an additional \$12-\$15. Mr. Bean will let Mrs. White know if he wishes to record the Notice of Decision.

Ms. LaBranche suggested a note to the Fire Chief and the Building Inspector would be prudent to inform them that the Occupancy Permit and Fire Safety Permit weighed upon the applicant providing the Board with the items in the Conditions of Approval.

Handouts

Mrs. White distributed to the Board members the following: Information regarding a free workshop for landowners; LGC Workshop Information (in Brentwood); and an update (Legal Q & A) from the LGC.

Updates to Site Plan Regulations

Mrs. White had asked Mr. Quintal if he had any changes to the Site Plan Regulations and he submitted one change. He had several for the Subdivision Regulations, which Mrs. White will save until the Board gets to that review next month.

Ms. LaBranche distributed red-lined copies of the Site Plan Review Regulations, and suggested since she was recommending several changes, the Board might want to wait until the April meeting to discuss them. It would give all the members an opportunity to review her recommendations and decide whether they wanted to accept them as proposed or offer something else. She had also highlighted areas in yellow that appeared not to make sense or would need to be revisited by the Board.

The Board opted to wait until the April meeting to review the red-lined items and would wait until the May meeting, when hopefully everyone would be present, to review the highlighted areas needing discussion.

Election of Officers

Mr. Morales suggested the Board wait until the April or May meeting for the election of officers, as there were two members absent at this meeting. Mr. Morales himself would not be able to attend the April meeting, but Mr. Warren and Mr. Gilligan would be attending.

Telecommunications Ordinance Review

Ms. LaBranche and Mr. Morales had reviewed the new laws pertaining to the telecommunication. The most important new change to this law is that when the application is received, the Planning Board needs to decide within 30 days of receipt if they need additional information. They can review the application as a board, which would mean adjusting the first meeting to accommodate the 30-day timeframe, or they can designate an entity (such as the Secretary and the Planner) to be responsible for ensuring the application was complete.

A checklist for the completeness review is in the process of being developed, and the ordinance will need to be updated to reflect the new timeframes and make sure it is in compliance with the new laws. A fact sheet will also need to be developed to inform the general public of the process that Planning Board needs to go through and what their limited rights as abutters are. Part of the new FCC ruling states that abutters do not have status to directly appeal a decision of the Planning Board or the Zoning Board any more. They would have an entirely different appeal procedure they would need to follow through the courts.

The Zoning Ordinance is not in compliance with the new laws, and hopefully the changes to the ordinance will pass at Town Meeting in 2012. Regardless, the procedures will still need to be followed as they are the new law. Ms. LaBranche will develop a procedural memo for the Planning Board. It will help educate the general public as to why the ordinance needs to be updated in advance of the Deliberative Session.

Ms. LaBranche also suggested a standard notice of decision be developed for these types of applications, and a check sheet for dates of submission.

Mr. Morales noted that any decisions made by the Board along the way will need to have a separate decision. Any waivers by the applicant will need to be very detailed. And the approvals by the Planning Board will need to be as complete, with the details of the waivers included in the Notice of Decision. Ms. LaBranche will review the Telecommunications Ordinance and provide her recommendations to the Board in April.

When all the changes are made to the ordinances, and passed on the warrant next year, they can print up a new regulation and ordinance book. They will take the forms out of the book, as well as the fee schedule and make a separate packet to hand out with the book.

Watershed Alliance

Ms. LaBranche reminded the board that the North part of East Kingston was involved in the coastal watershed which drains into the Great Bay. The State is working on the scientific analysis to set the standard (load allocation) for communities and identifying the sources of nitrogen in the water. New developments will be required to meet the standards they set. Ms. LaBranche will keep the Board up-to-date on the progress.

ADJOURNMENT

MOTION: Mr. Cacciatore **MOVED** the Planning Board adjourn; Dr. Marston seconded. The motion passed unanimously.

Mr. Morales closed the meeting at 8:45 pm.

Respectfully submitted,

Barbara White

Barbara A. White
Recording Secretary

Ronald Morales
Acting Chairman

Minutes approved April 17, 2011

- E. The following items must be considered by the Site Plan Review process prior to Site Plan Approval.
1. Hazard or detrimental effect to adjacent property: No fire and explosion hazards shall exist as to produce dangerous exposure to adjacent property.
 2. Odor: No objectionable odors shall be detectable beyond the property line.
 3. Gases: No noxious, toxic or corrosive fumes or gases be emitted.
 4. Dust and Smoke: No observable dust or smoke shall be exhausted into the air.
 5. Heat and Glare: No heat and glare shall be evident beyond the property line.
 6. Exterior Lighting: No exterior lighting; other than properly shielded street lighting, shall shine directly on adjacent properties or towards any street.
 7. Noise: No inherent and recurrently generated noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the time and point of observation, and no noise below such level shall be objectionable with respect to intermittence, beat frequency or shrillness. No external loud speakers shall be permitted.
 8. Vibration: No inherent and recurrently generated vibration shall be perceptible at or beyond the property line.
 9. Radiation: No dangerous radiation shall be detectable outside any structure.
 10. Waste Disposal and Water Service: Water service and waste and refuse disposal methods shall comply with pertinent health regulations and shall be in accordance with the approved site plan.
 11. Storage: Fuel, raw, partially processed, finished or other material, machinery, supplies and equipment, including company owned or operated vehicles, shall not be stored between the street line and the front line of structures on the subject lot or, if there be no structure, within forty (40) feet of the street line, and in no case shall be visible from the street.