

March 18, 1993

East Kingston Planning Board

Attending: Richard Smith, Chairman; Cathy George, Dr. Robert Marston, Joseph Cacciatore, Selectmen and Mel Keddy

Other attending: Larry Smith, Conservation Commission, Peter Dow, Rockingham Planning Commission, and David Boudreau, Asst. Building Inspector.

The Meeting was called to order at 7:40pm.

Mr. Dow reported that copies of the new Subdivision Regulations would be made available by RPC at the cost of \$.04 per page, spiral bound at an additional \$.20, tagboard covers an additional \$.06 each.

Mr. Dow informed the Board that RPC would soon have access to base maps of East Kingston for about \$200 per base map. Each additional overlay (re: zoning, etc.) would be about \$50.00 per overlay.

Mrs. George motioned to accept the minutes of February 18, 1993 as printed.

Dr. Marston second.

The motion passed 5-0.

The Public Hearing for Mr. & Mrs. Larry Bean was opened at 7:45pm.

Mr. & Mrs. Bean seek to make a Lot Line Adjustment between their property and abutting property owned by Marshall Bean.

Mr. Bean passed out a plot plan showing the proposed Lot Line Adjustment. It was noted that the adjustment would place the barn within 11 feet of the lot line. The lot line presently runs through the barn. The line change occurs in the middle of the lot line as viewed from the street looking to the rear of the lot that belongs to Marshall & Elaine Bean. The change does not affect road frontage for either lot affected.

An abutter, Jerry Bean was present. He stated he had no questions.

Mrs. George asked if there were iron pins in place as stated on the plan. She inquired if these should be cement bounds.

Mr. Keddy noted that the Board has dealt with iron pins in the past.

Mr. Bean stated these are substantial in size and length and driven well into the ground. They would not be easily removed.

The Board then determined that the frontage of each lot would be adequate.

Dr. Marston motioned to approve the Lot Line Adjustment as proposed between the Larry Bean and the Marshall Bean property.

Mrs. George second.

The motion passed 5-0.

The Board signed the mylar and prints.

The Public Hearing for Mr. & Mrs. Bean was closed at 8:00pm.

The Public Hearing for Mr. Robert Hart was opened at 8:02pm.

Mr. Hart is seeking the recommendation for a Home Occupation.

Mr. Hart stated that the business is being conducted within his house. He used the back of the house and the basement area. He noted the size of the areas he uses as: 8ft. x 24ft. and 20ft. x 30ft. His house is approximately 40ft. x 42ft.

Mr. Dow asked what the nature of the business is.

Mr. Smith stated that it was noted on the application, however, this was not yet discussed.

Mr. Keddy asked about signs.

Mr. Hart stated that presently he has no signs. He stated he will probably have them when he finds out the correct size, etc. He stated he doesn't need signs for the business, but to clarify the identity of his home number since there are several addresses used for this property because of its proximity to Exeter and the Kensington Town Line.

Mr. Smith asked if the exterior of the home was completed.

Mr. Hart stated that it is half done, and there is no evidence of the business from the exterior.

Mr. Hart explained the nature of his business. It is tool design engineering, with some development and light assembly.

Mr. Keddy asked how many employees he anticipates.

Mr. Hart stated there would be three, including himself.

The checklist used during the meeting is attached with more detailed notes.

Mr. Keddy asked what kind of machine work would be done.

Mr. Hart stated there would be milling, a lathe, a grinder. He responded that there would be a liquid to cool the temperature of the materials. This liquid would be water soluble, no chemicals; it is called "butter cut". It was stated there would be no chemicals to speak of, none more strong than what would normally be found in any household. The waste would go into the septic tank; however, there would be no outflow from the cooling solutions as it evaporates. The cooling liquids would be used only to cool down the tools. There would be no hazardous wastes.

Mr. Keddy asked about the hours of operation.

Mr. Hart stated he would be working around the clock, however, he designs. Operations would emit no noise, none whatsoever.

Mr. Smith asked about off-street parking.

Mr. Hart stated there would be no parking along the street and there would be ample parking within his driveway. He has two driveways and would be able to use both.

Mr. Smith asked how many vehicles would be coming into the area in a given day.

Mr. Hart stated there would be probably four, on each side - total of eight. There would be three vehicles parked overnight.

When asked why so many cars with only two workers, Mr. Hart explained there would be a vehicle from his father, his brother, his own and he counted his tractor.

Mr. Keddy asked if there would be more workers in the future.

Mr. Hart stated that these additional vehicles would be from subcontractors, not employees. They would be present only for a particular job. He stated he would like to employ two full time and he would be on the road selling. He said he would only have

as many as the Town would allow. There would be no other business at this address. He operates under the name, MSP Tool Company, Inc.

Mr. Keddy asked if there could be more employees.

Mr. Hart stated he limits the size of any given project, when it becomes too big, he off-loads it and manages the project. He noted he moved to his home to get projects done quickly.

Mr. Keddy asked if basically Mr. Hart subcontracts to others who are located elsewhere.

Mr. Hart stated yes. There are no company vehicles, excepting his own. This vehicle is registered to him personally, however, he anticipates that this will be changing within the next few months.

Mr. Keddy asked if any hours of operation would extend beyond 5:00pm.

Mr. Hart stated no, his wife would object.

Mrs. George asked if any trucks would be delivering raw materials.

Mr. Hart stated yes, there would be one or two larger trucks per month. These would be 18 wheelers. The project would be the driving force for this situation. The UPS delivery vans would be arriving almost every other day. This is normal.

Mr. Hart stated his Home Occupation would fall under the category of Engineering.

Mrs. George asked if he makes his design on paper and then submits it to the customer.

Mr. Hart stated he presents his design, a quote to bid and assembles various components for the projects.

Abutter Wes Nickerson was present. He stated he has no objection to the proposed Home Occupation. He stated that he is familiar with the operation and it is environmentally friendly. He sees no traffic impaction, sees no harm. He does not find the business offensive at all.

Mr. Hart presented the Board will pictures of the projects that he has completed. His machinery was also depicted.

Mr. Keddy made Mr. Hart aware that the ordinance does not allow for further expansion at this location.

Mr. Hart stated he is at home mostly because of the economic situation. It may be temporary and it will be easy to move the business. He is attempting to keep his overhead down.

Mr. Keddy motioned to recommend approval of this Home Occupation to the Board of Selectmen.

Mrs. George second.

The motion passed 5-0.

This Public Hearing was closed at 8:30pm.

The Public Hearing for James Keegan opened at 8:32pm.

Mr. Smith stated Mr. Keegan was here for a Site Plan Review.

Abutters in attendance were: Mr. & Mrs. Timothy Kiley, Mr. Daniel Bodwell and Mr. & Mrs. Gerald Head.

Mr. Smith reviewed the plan presented by Mr. Keegan. He inquired the location of the barn. Mr. Smith determined that a plan of the land, which shows the location of the buildings, driveway and complete outline of the property would have to be submitted. Further, an engineer must do it. The one submitted did not have an engineer's stamp on it.

Dr. Marston stated for Site Plan Review, there must be a preliminary meeting, then a Public Hearing. A mylar must be submitted for signature.

Mr. Boudreau asked if the engineer plan could be waived.

Mr. Smith stated no, the Board would have nothing to go by as only the land is outlined on this drawing.

Mr. Boudreau noted that part of the problem came when he issued a building permit in error for enlargement of the barn. The increase in size for the barn replacement (after a fire) triggered the need for Site Plan Review. Mr. Keegan has been before the Board of Selectmen to discuss the situation.

Mr. Boudreau asked the proper sequence to handle this and the number of meetings it would require.

Mrs. George noted that the Board has nothing to go by, to indicate what Mr. Keegan wants to do.

Mr. Keegan asked if he could draw in the building dimensions and locations himself, and not hire an engineer.

Mrs. George stated they need to see something.

There was discussion about a waiver.

Mrs. George asked when the business began. It was determined it stated in 1984 or 1985.

Mr. Bodwell asked why Mr. Keegan had to go through this process to replace a burned build'ing.

Dr. Marston stated the expansion of the building necessitated the Review. He stated the business was not larger.

Mr. Dow stated that he also was confused by the Review process in this instance. He stated he has talked with Mr. Keegan. The Selectmen have issued him a Home Occupation permit, dated 1989. The gross floor area is limited by the permit. Mr. Keegan is entitled to continue with no increase in size. However, with such a substantial size increase; it is double the original size and a complete second floor ~~it~~ created this problem.

The intention is to use the second floor area for family/residential.

Mr. Boudreau stated that the intended use as residential makes the original Home Occupation more conforming.

Mr. Smith asked what the second floor use would be.

Mr. Keegan stated he expected to use one third as a family room now. Two thirds would be left open and later they would finish it off. There would be no residential living there. He anticipates a big storeroom, perhaps a playroom and an exercise room. There would be no apartment, no offices, no help increases, no more trucks added to the business.

Mr. Dow stated that if he were to use the barn for horses, he would not have to have a Site Plan Review.

Mr. Boudreau said when he issued the Building Permit he did not think of it as a business, he was thinking of it as a barn.

Mr. Dow stated there is a difference between a Home Occupation and a Commercial use. He noted Mr. Keegan could have requested a Building Permit for the building and then come back for a Home Occupation permit.

Mrs. George stated they did not have a problem with the business; but then the building got so big in comparison to that which burned.

Mr. Keegan stated he had no expansion plans. He added the second floor for future use of a hoped-for family. He noted his house is small and close to the lot line and it would be difficult to increase the size of the house.

Mrs. George asked if any bedrooms within the barn were planned.

Mr. Keegan stated no.

Mr. Keddy asked if the building looks like a garage, barn or house.

Mr. Keegan stated it looks more like a barn. He will paint it either white or gray; red straight peaked roof; few windows on the top floor and will keep the style more toward a modern barn in appearance.

Mr. Smith asked if abutters had questions.

Mrs. Virginia Nichols-Kiley stated she is concerned about the business growth. She noted already the trucks can be noisy, and cited diesel pollution. She stated this could be obnoxious.

Mr. Timothy Kiley said the main concern is business growth.

It was noted that the doors of the barn would face Dan Bodwell's property. There would be five trucks, including his pickup truck.

Mr. Gerald Head said he was concerned about the noise associated if the business expanded.

Mr. Daniel Bodwell stated he has no problem with this business.

Mrs. George noted that if he expanded the barn size on the property and uses 2500sf, or 1/4 for the business and the rest for his personal use, she does not see the need for Site Plan Review.

Mr. Dow also stated he does not think it would be required. He has a Home Occupation permit, and the use is the key issue and not the size. He further noted that the permit has to be renewed annually and the Selectmen can review it.

Dr. Marston said he would not consider it a Home Occupation, it would be more of a nonconforming use.

Mr. Dow noted that Mr. Keegan was always a non-conforming use, there was no problem with this aspect.

Mrs. Nichols-Kiley asked what would happen if five years down the road the property was sold.

Mr. Smith noted the permit does not go to the new owner. The permit is issued to the occupant and is not transferable.

Mr. Smith asked if the Board was going on the assumption made by Mr. Dow, and if so they could recommend to the Board of Selectmen to go ahead with their recommendation; if the Board wants to go with Site Plan Review, then Mr. Keegan should be notified to go ahead with his plat and go ahead with a Public Hearing for next month.

Mr. Keddy motioned to recommend to the Selectmen that they approve the increase in the size of the building, but not to increase the business beyond the square footage at the time of the fire and to issue the Building Permit. If they disapprove, Mr. Keegan is to be notified to secure the required engineering plan and go ahead with the Public Hearing for Site Plan Review.

Dr. Marston second.

The motion passed 5-0.

The Public Hearing for Mr. Keegan was continued at 9:20pm.

Dr. Marston mentioned that the flood plain goes up into the Keegan property.

This meeting was adjourned at 9:55pm.

Respectfully submitted,

Nancy J. Marden, Secretary