



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2009-2010
David F. Sullivan, Chairman
Edward Warren, Vice Chairman

MINUTES
Regular Meeting 18 March 2010
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval** of February 18 minutes
- ◆ **Discussion** with Mr. Eugene Keller regarding the tenancy of Captain George Tsaltas for a used auto sales business at 17 Haverhill Road (EK PB 10-OA) dba Compass Rose Auto Sales
- ◆ **Discussion** Plan NH Report

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:00PM.

ROLL CALL: Mrs. White called the roll.

Members: Dr. RA Marston, Mr. R Morales, Mr. D Sullivan, Mr. E Warren, and Mr. D Pendell, ex-officio.

Alternates: Mr. J. Cacciatore and Mr. P. Gilligan. Mr. R. Forrest was not in attendance.

Advisors Present: RPC Planner, Ms. Julie LaBranche.

Also Present: Mr. Gene Keller and Captain George Tsaltas - applicants, and Mark Corson, East Kingston resident.

Board Business

The first item on the agenda was to approve the minutes of February 18. There was a minor correction on page 2 to change the phrase *listening session* to *visioning session* in relation to the UNH session held several years ago. There were no other changes. Mr. Sullivan asked for a motion for approval.

MOTION: Mr. Morales **MOVED** to accept the minutes of February 18 with the noted correction. Dr. Marston seconded. The motion passed. Mr. Warren abstained as he was not present at the February meeting.

Board Discussion - Tenancy of Captain George Tsaltas at 17 Haverhill Road (7:06 pm)

Mr. Sullivan opened the discussion and invited Mr. Keller and Mr. Tsaltas to come to the front. Mr. Keller noted after the property at 17 Haverhill Road had been foreclosed on, he had purchased it and would like to rent an area to Mr. Tsaltas for his used car sales. Mr. Tsaltas had been a tenant of the previous owner and had conducted the same business then as he was asking to do at the present time.

Mr. Tsaltas explained that when the property had gone into foreclosure, he had turned back all his paperwork to the State. He has now reapplied for his inspection license, explaining further that if you sell used cars you need to be licensed to inspect them, as they need to have a 10-day sticker on them to drive away from the lot.

Mr. Sullivan opened the floor to abutters.

Mark Corson, 7 Haverhill Road. Mr. Corson asked a few questions of the applicant and owner. He wanted to know if Mr. Keller was planning on grading the property in the rear as he had had some problems with water and was worried it might get even worse if any changes were made. Mr. Keller noted the driveway was level grade, and he had no plans to add any fill. He would be doing some general housecleaning in the area alongside the pond to make it look neater and would add landscaping when finances allowed.

Mr. Corson inquired if Mr. Tsaltas was planning on conducting any mechanical work as inspections were involved; he stated he was not. He also asked if there were going to be any changes to the lighting. Mr. Tsaltas noted he had no intention of adding any lighting for his business, and Mr. Keller stated all he would be adding might be some lights on motion detectors at the rear of his house for security and safe access at night. Mr. Tsaltas also noted he would have the same sign as before.

As there were no other abutters, Mr. Sullivan he closed the floor to comment.

Mrs. White had provided the Board with the minutes and the decision from when Mr. Tsaltas had come before them in September 2008. Since the business was the same as it was then, the Board noted only a few minor changes to be made to the Conditions of Approval this time.

The proposed Conditions of Approval are:

Hours of operation will be 7am to 7pm, Monday thru Saturday. Sunday by appointment.

Business shall conform to a bi-annual Fire Department inspection.

There will be no major maintenance performed on the premises.

There shall be no flammable fluids or other hazardous chemicals stored on site.

Tenant may have up to 20 cars on the premises, inside and outside.

Any flammable fluids or other hazardous chemicals to be used will necessitate MSDS forms to be supplied to the Fire Dept.

No vehicles of any kind shall be parked in front of the hydrant.

There shall be no additional lighting for the business on the garage.

Mr. Keller will provide a copy of the lease for the file.

The Board of Selectmen shall approve any signage.

There being no further discussion by the Board or questions from abutters, Mr. Sullivan asked for a motion.

MOTION: Mr. Morales **MOVED** to approve the tenancy of Captain George Tsaltas at 17 Haverhill Road dba Compass Rose Auto Sales for a used car sales business with the conditions noted. Mr. Warren seconded. The vote was unanimous.

Mrs. White informed Mr. Keller and Captain Tsaltas that they would be receiving a copy of the decision in the mail. Mr. Keller and Captain Tsaltas thanked the Board for their time.

Mr. Sullivan closed the discussion.

Board Discussion - Plan NH (7:16 pm)

Mrs. White had provided the Board with a copy of the letter she sent to Mr. Castagna on March 7 asking for the changes the Board wanted.

She had requested that if he could not provide the changes by the meeting date (March 18), she would like him to contact her and let her know, but had not heard back.

Mrs. White had also provided the Board with a copy of Plan NH she had reworked into the format she gleaned from the changes the Board requested of Plan NH. She explained the following changes had been made to the report:

- added a table of contents, page number and dividers for the sections
- separated the executive summary from the proposal and made them each their own section
- eliminated the phrase "such as creating opportunities for small cottage businesses in the home" from the last paragraph under the Proposal
- corrected the tax rate
- changed some references to read "an individual" rather than "the public"
- clarified the wording for the description of the overlay map
- removed the two-sentence paragraph referring to spot zoning
- left in the information regarding form-based zoning
- bulleted phrases in several places where they were not full sentences for more readability and understanding
 - left out two items he had included.
 - the one referring to the kayak and canoe rental on the river, and
 - the bandstand for entertainment near the town center
- moved the referral to the tax rate to page 3 under the proposal. It seemed to fit better with the phrase left at the bottom of the page.

Mr. Morales stated that the reworked report Mrs. White had provided to the Board was the kind of thing they had expected in the first place, and the Board agreed she had done a very nice job.

The Board wanted to compare the original report to the reworked version to see if there were any other changes needed to be made; Mrs. White will e-mail her list of revisions to the members who are on-line and mail to those who are not.

Mr. Warren suggested that the Board send Plan NH a letter letting them know that they were displeased with what they received for the money they had paid. They were displeased with the report and more so with the fact that their concerns were not addressed as the "customer"; in fact their request was not answered. In his opinion, they were entitled to a full refund of the \$500 they had "donated".

Mr. Pendell offered to draft a letter for the Board's approval to be sent to Plan NH; Mr. Sullivan thanked him for the offer, but opined that it was the responsibility of the Secretary and the Chairman to draft the letter.

PSNH Letter/Information Discussion

Mrs. White explained that she had received a letter from PSNH about encroachment on their right-of-way (ROW) for their transmission easements and a booklet explaining their review process. Basically, PSNH wanted to be included in any plan reviews that were on property where they had a ROW. Mrs. White had compiled a list of properties that were within the ROW in the Town for future reference, and wanted to know if the Board would like her also to send some sort of letter to those residents concerned. She will also provide the Building Inspector with a copy of the list.

The Board discussed the ramifications of sending a letter to those involved residents, and determined that it could cause confusion and result in people calling the Selectmen's Office for information instead of PSNH. ROW and easement information is already included on their deed so they should already know about it. It was decided to not send a letter, but to post the information on the website; Mr. Pendell will take care of that as website liaison. PSNH would be notified as an abutter if any site plans come up involving the identified properties.

OEP Conference

Mrs. White had distributed a timed agenda with concurrent sessions of the OEP Conference listed to the Board. She asked if everyone could get back to her and let her know if they wanted to attend and what sessions they wanted to be signed up for.

Work Session Dates

The Board had discussed scheduling work sessions after Town Elections to work on goals for discussions with the public. Mrs. White asked Board members for a list of dates they *would not* be available for work sessions so she could schedule some dates that the most people could attend. A sheet was passed around and non-available dates noted. Mrs. White will contact Board members with the finalized schedule.

Southeast Watershed Question

Last month Mr. Gilligan had inquired why East Kingston was not in the Southeast Watershed Alliance. Mrs. White had contacted the Chairman of the Conservation Commission and had been told that although he agreed it would be good for the Town to be a member, they were already having a hard time making meeting quorums and did not want to put anything additional on the Committee's plate at this time.

Renewal of Appointments

Mrs. White reported the Selectmen had signed the appointments for the year. Mr. Cacciatore, Dr. Marston and Mr. Warren would need to stop by the Town Clerk's Office to sign their appointments.

Elections

Mrs. White reminded the Board that elections for Chairman and Vice Chairman would be held in April.

Discussion Regarding an Agricultural Commission

Mr. Morales noted that a presentation on How to Establish a Local Agricultural Commission conducted by the RPC and the UNH Cooperative Extension was attended by himself and Mr. Gilligan on March 16.

Ms. LaBranche was a presenter and handed out three pieces of information to the Board:

- *"How to Establish a Local Agricultural Commission"* - a copy of Nada Haddad's presentation
- *"Creating an Agricultural Commission in Your Hometown"* - this document takes the concepts from the presentation and goes into more detail
- *"Preserving Community Character"* - this could help with Zoning

Ms. LaBranche will e-mail the PDF files to Mrs. White so they can be posted on the Town website.

Mr. Morales reported he was pleasantly surprised at how informative this presentation was; there were 30-40 people in attendance. Four people who already had agricultural commissions in their Town presented and explained how they got started, and what they did to spur on the concept by promoting farmers markets and other events. Mr. Morales was reminded how important farming is to the people in East Kingston and at the listening session residents had expressed interest in having some sort of farmer's market.

Mr. Morales had thought farming was dead in New Hampshire, but that was not true. Almost a billion \$ of economic impact is generated by farming in New Hampshire every year, creating nearly 12,000 jobs and \$43 million in tax revenue. He noted that in the presentation, under values of NH Agriculture, half of the list is included in East Kingston's Master Plan: open space; rural character; scenic views; heritage. They discussed the farmer's market in Exeter, which is packed like it's a football game. It offers home-grown meats, produce, honey, etc. and also acts as a gathering place. Locally grown is becoming more important.

They spoke about agri-tourism; in some towns people are actually touring communities to see the farms and buy the produce available. They want to see where and how it's grown. Direct sales includes farm stands, farmer markets, community supported agriculture, etc. Some farmers are leasing out portions of their land to others who want to do some farming but don't have the space. Rockingham County ranks **38th in the country** in the value of direct market sales of agriculture. Farmer's are selling directly to restaurants and institutions, who are glad to get the fresh, locally-grown food.

New Hampshire ranks #1 in the nation for percentage of farms with direct sales. From 2002-2007, although the average size of farms (acreage) has been reduced, the number of farms has increased 24% and the total number of acres in farms has increased 6%. New Hampshire ranks #3 in the nation in the percentage of total market value of agriculture sales.

They spoke on what an agricultural commission is and that most started out small with a committee. They developed a plan to get ordinances written and get on the ballot to create an agricultural commission. The farmers are the experts and should be the ones involved. HB 293 is now allowing communities to establish agricultural commissions, and that bill ties in with RSA 674.44.

It was encouraged to conduct an agricultural inventory, which East Kingston already has. Some suggestions for starting an agricultural commission are to initiate local conversation and hold an exploratory meeting, which could be held at a farm. People are getting back to buying locally. They know what they are getting and the money stays in their own community. It appears that a committee would be the right place to start to see what the level of enthusiasm is in the community. There are many grant opportunities available also.

Ms. LaBranche noted that there are a number of very old, large farms and the conservation commissions, open space committees and agricultural commission that work well together who are amazing at going after federal dollars for land protection. Other communities that already have agricultural commissions were more than willing to share information with us for us to start our own if we wanted to.

Mr. Gilligan acknowledged that as development happens, agriculture gets pushed out. It's good to see that the State of NH would like to save its farming; it's part of what the state is - farms, lakes, mountains. Communities are becoming aware they need to become more farm friendly through zoning to save the farms and the farmers. He opined it would be a good thing for East Kingston. The Town has a variety of "farming" activities - animals, maple syrup, crops, fruits, etc. People from the cities love to take rides to the country to "pick-your-own"- it's something the family can do together.

Mr. Morales noted the Board should define clearly what agriculture means both in the ordinances and the Master Plan.

Mr. Pendell asked if there was any discussion on how to "raise" farmers. Mr. Morales stated it was touched upon - tying in some activities in the schools such as taking classes to a local farm and kids planting their own crops. Mr. Pendell noted that lots of people are "recreational farmers" with their own gardens, but not actual farmers of the land as we know it who work at it as their livelihood. Large amounts of land are expensive and out of reach for most people.

Mr. Morales noted that there is farmland that is not being used, and Nada Haddad from UNH says she gets many calls for people looking to lease a plot of land to grow some crops. Farmers who have unused land can contact her and she will hook them up with someone wanting to grow. And there is no liability to the Town; it would be between the farmer and the person wanted to rent it. Some towns have actually written in their ordinances to preserve farmland; they have to keep "X" percent of the prime farmland with the good soil and only use a small section for a house lot.

Mr. Gilligan stated that an agricultural commission would get the farmers together; speakers are available to talk to the group. He had attended another function where a person is going to start with 5 acres to grow heirloom vegetables, and another person raises cattle and sells the meat for premium prices. Mr. Gilligan noted it was expensive to be a farmer.

Mr. Morales noted there are new products available that were not available 20-30 years ago that can extend the growing season.

Ms. LaBranche stated there are some middle and high schools that are incorporating agricultural classes in their curriculum; one elementary school started a class garden. Leasing land for farming is a great opportunity for Town-owned land as long as it is written into the deed that agriculture is not a restricted activity. You can then lease it for forestry, crop production, raising hay, grazing, etc. and it could be a source of revenue for the Town.

As the prices of fuel goes up, it makes more sense to be able to buy from local growers as the stores will need to increase their prices due to transportation costs. Mr. Morales opined that if there were a farmer's market in East Kingston, they would be sold out every week - the demand is there, just not the supply.

Lee did a cost of community services study for the Town and found that land use for residential was \$1.11 commercial was .52 and agricultural was .48. Mr. Morales noted that the past Conservation Commission Chairman had used that matrix of numbers to get the \$4 million bond issue passed in 2003. He showed that by preserving open space and farmland, the Town would actually spend less in services than if the land had homes on it.

Ms. LaBranche asked of the Board would like her to use her Circuit Rider hours to audit the regulations and zoning ordinances to see if the Town is a farm-friendly community as there are not many site plans coming before the Board at this time. The Board agreed it would be a good thing for her to do. She will also look at how to offer incentives to protect agricultural land for site plans.

She reviewed that farming does not always mean a traditional agricultural activity. Things such as home gardens growing cut flowers, bee keeping, making maple syrup, and growing Christmas trees are all considered "farming" and perhaps the definition should be expanded as a general rule within the community.

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

Mr. Sullivan closed the meeting at 8:30 pm.

HANDOUTS TO THE BOARD

- February Planning Board minutes
- OEP Conference Agenda and sign-up sheet
- Selectmen's Meeting Minutes -Feb 17
- UNH film series list
- PSNH easement information
- Wind turbines article
- Reformatted copy of Plan NH

Respectfully submitted,

Barbara White

Barbara A. White
Recording Secretary

David Sullivan
Chairman

Minutes approved April 15, 2010