



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2015-2016  
Joe Cacciatore, *Chairman*  
Dr. Robert Marston, *Vice Chairman*

**MINUTES**  
Regular Meeting 16 April 2015  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park - Tim Slavitt - Timmy's Heavy Equipment
- ◆ **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park - Daniel Kight - Advantage Trucking
- ◆ **Discussion** with MSC Engineering regarding changes to a Lot Line Adjustment condition.
- ◆ **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, Mr. J. Bath, Mr. C. Delling, Mr. B. Caswell, and Ex-Officio Mr. R. Morales. Vice Chairman Dr. R. Marston was excused.

**Advisors present:** Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche; East Kingston Building Inspector John Moreau; Dennis Quintal - East Kingston Conservation Commission.

**Also Present:** Mr. Timothy Slavitt and son, applicants; Mr. Daniel Kight, applicant; Davis Finch and Jean Topping applicants and their representatives Corey Colwell-MS Civil Engineers, and David Viale-Southeast Land Trust.

**Election of Officers**

Chairman Cacciatore noted it was time for elections of officers and asked for nominations from the Board.

**MOTION:** Mr. Bath **MOVED** to nominate Mr. Cacciatore as Chairman; Mr. Morales seconded. The motion was unanimous.

**MOTION:** Mr. Cacciatore **MOVED** to nominate Dr. Marston as Vice Chairman; Mr. Morales seconded. The motion was unanimous.

**Minutes**

Mr. Cacciatore asked for a motion to approve the March minutes.

**MOTION:** Mr. Bath **MOVED** to approve the March minutes as presented. Mr. Morales seconded. The motion passed unanimously.

**Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park - Tim Slavit - Timmy's Heavy Equipment.**

Mr. Cacciatore opened this public hearing and invited Mr. Slavit to explain his application to the Board. Mr. Slavit currently has a business buying and selling small heavy equipment for resale. He would like to rent a building from Mr. Masone and operate out of the light industrial park. It is a family business and his two sons work with him. In the winter months they provide snow removal and would store the equipment in the building.

They purchase light equipment (mostly trade-ins) and clean it up for resale, lubricate and change oil if necessary, and there could be a small amount of touch-up painting involved. They repair windshields, wipers, lights and tires. The work they do is more cosmetic than mechanical and they do not purchase equipment that needs major repairs; they do not take engines apart. On occasion if hydraulic work is necessary, they have the work done in Haverhill. Ms. LaBranche asked if they would be maintaining their snow removal equipment on site. Mr. Slavit stated they would. There will be no additional lighting.

They will have up to 5 gallons of oil, 5 gallons of hydraulic fluid and some antifreeze on-site. Any used oil will be sent to an approved waste oil facility. They also will have small quantities of gas and diesel fuel in cans, and paint in small amounts in cans and some spray paint. Mr. Slavit indicated there was a locker in which to store the hazardous materials. They have fire extinguishers and first aid kits on site.

The Board noted the Fire Chief would direct Mr. Slavit if there were any additional precautions needed when he did his initial inspection, and decide on the required frequency of inspections for his business.

Mr. Cacciatore noted the hours on Mr. Slavit's application and suggested he ask for as many hours as he thought he might need so he would not need to come back to the Board for a change in the future. It was noted Mr. Slavit could work any hours within the approved hours. After Board discussion, Mr. Slavit asked to change his hours to 7:00 am to 10:00 pm, seven days a week. The Board also noted that for snow events, whatever hours as needed would be acceptable.

Mr. Morales asked about signage, both at the entrance and on the building itself. Mr. Slavit noted there would be something on the marquee at the entrance to the industrial park. He was not sure about on the building, but noted some other businesses in the park had their business name painted on their building.

Mr. Cacciatore noted that their dumpster should be located at the side of the building out of sight; Mr. Slavit stated he would do whatever the Board wanted.

Mr. Cacciatore noted there were no abutters present.

The Board reviewed the conditions.

1. Agree to periodic inspections from the Fire Department.
2. Keep to the approved hours of 7:00 am to 10:00 pm, 7 days a week with the exception of snow events.
3. Approved for 3 employees.
4. Provide a dumpster and locate it out of sight, to the right of the building.
5. Dispose of all waste oil according to state requirements.
6. Store only up to 5 gallons of motor oil, 5 gallons of hydraulic fluid and small amounts of antifreeze and paint on site.
7. Store most equipment inside the building, with extra equipment stored outside within the fenced-in areas.
8. Appropriately dispose of all spare parts and not stockpile debris.

Mr. Cacciatore asked for a motion.

**MOTION:** Mr. Bath **MOVED** to approve the change of use application for Timmy's Heavy Equipment, Mr. Tim Slavit, as a tenant in the light industrial park for Unit #2 at 213 Haverhill Road (MBL 11-02-17) with the conditions discussed; Mr. Delling seconded. The motion passed unanimously.

Mrs. White noted he would be receiving a copy of the conditional approval in the mail. Mr. Slavit thanked the Board for their time.

Mr. Cacciatore closed this public hearing.

**Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park - Daniel Kight - Advantage Trucking**

Mr. Cacciatore opened this public hearing and invited Mr. Kight to explain his application to the Board.

Mr. Kight explained his business was a father and son business, hauling hot top for BROX. The garage will be used to store the trucks. He has two employees. He also does snow removal work in the winter.

They will do light repairs on the trucks on-site, with any major work done off-site. They do change oil and hydraulic fluid for the trucks and require larger amounts than the previous applicant as the trucks are larger. They will have a 16 gallon drum of oil in a plastic container and 5 gallons of hydraulic fluid. They will also change tires. They will do no painting. There are two fire extinguishers on site. On Sunday the trucks are greased for the next week's work and leave between 4:00 and 6:00 pm in the evening.

The Board noted the Fire Chief would conduct an initial inspection and decide on the required frequency of inspections for his business and if any additional precautions would be needed.

Mr. Morales asked how they clean the asphalt from the trucks. Mr. Kight stated they trucks will be cleaned on the site of the work and not at the industrial park site. Also that peanut oil is now used in place of diesel fuel for the cleaning. Any excess asphalt will go back to BROX before the trucks go back to the park.

Mr. Kight asked to change his hours to 7:00 am to 10:00 pm, seven days a week as the previous tenant had done. The Board also agreed that for snow events, hours as needed would be acceptable.

Mr. Cacciatore noted there were no abutters present.

The Board reviewed the conditions.

1. Agree to periodic inspections from the Fire Department.
2. Keep to the approved hours of 7:00 am to 10:00 pm , 7 days a week with the exception of snow events.
3. Provide a trash dumpster.
4. Dispose of all waste oil according to state requirements.
5. Store only up to an approved 16 gallon drum of motor oil and 5 gallons of hydraulic fluid on site.
6. Appropriately dispose of all spare parts and not stockpile debris.

Mr. Cacciatore asked for a motion.

**MOTION:** Mr. Bath **MOVED** to approve the change of use application for Advantage Trucking, Mr. Daniel Kight, as a tenant in the light industrial park for Unit #4B at 213 Haverhill Road (MBL 11-02-17) with the conditions discussed. Mr. Delling seconded. The motion passed unanimously.

Mrs. White noted he would be receiving a copy of the conditional approval in the mail. Mr. Kight thanked the Board for their time.

Mr. Cacciatore closed this public hearing.

**Discussion with MSC Engineering regarding changes to a Lot Line Adjustment condition.**

Mr. Corey Colwell, MSC Engineering, will represent the applicants Davis Finch and Jean Topping who were also present.

Mr. Colwell noted they were before the Board in September of 2014 for a lot line adjustment in conjunction with a conservation easement site plan. At that time, the Board had imposed a requirement for them to show the location and dimensions of the existing right-of-way easement on the plan with a notation stipulating the responsible party for maintenance of the ROW.

They are asking for removal of that condition as they have ascertained in doing so it would cloud the original intent of the existing ROW document which has been in existence since 1889 and would also like to remove note #15 on the plan. They have provided a copy of the original ROW documentation.

Their contention is the ROW exists and the vagueness in the original deed does not allow it to be further described without granting more than the one access point; there are already adequate rights for that parcel.

After discussion, the Board came to a consensus that removal of condition #2 and notation #15 on the plan would not change the intent of the original lot line adjustment nor the existing ROW.

Mr. Cacciatore asked for a motion.

**MOTION:** Mr. Bath **MOVED** to approve the removal of condition #2 pertaining to the ROW and note #15 from the plan for lot line adjustment MBL 10-05-05 (60 Fish Road) for Davis Finch and Jean Topping for MBL 13-01-03 (96 Fish Road) and 13-01-04 98 (60 South Road) from the Notice of Decision; Mr. Dellinger seconded. The motion passed unanimously.

Following are the conditions of this lot line approval (with the removal of previous Condition #2 - ROW location):

1. Granite monuments will be installed at the corners of the newly created lot lines and reviewed by the Building Inspector.
2. A final executed copy of the Conservation Easement plan and deed will be supplied for the file.

Building Inspector Mr. J. Moreau has already witnessed the bounds and documentation is in the file.

Mr. Colwell supplied a copy of the deed, and Mr. Viale supplied a copy of the conservation easement for the file. MSC Engineering will submit a final mylar to the Selectmen's Office, along with two checks for the Registry. Mr. Colwell thanked the Board for their time.

### **Subdivision Regulation Revisions**

Ms. LaBranche noted she and Mr. Quintal had reviewed the soils section and made some changes. As these regulations are older, they are going through the rest to make sure they are brought up-to-date and reorganized. Ms. LaBranche has not met with the Fire Chief yet on the Fire Safety portion and would like to wait until she has that information to bring it all back before the Board at next month's meeting.

### **Board Business**

The Grill on 107 - Mr. Cacciatore reported he had a conversation with the manager of The Grill on 107 and the Code Enforcement Officer had also visited the establishment for a violation of operating hours. Ms. LaBranche noted the site plan can be revoked by the Planning Board with documentation of how they are non-compliant. Mr. Morales opined the Planning Board might want to start doing background checks on businesses wanting to relocate their business to East Kingston.

Home Occupation Application/Decision - Mrs. White asked if the Board would like her to craft a sentence for inclusion at the bottom of home occupation recommendations stating if you are in violation of your

approved conditions, your home occupation could be revoked; the Board agreed Ms. LaBranche noted it should also be on the application.

## **ADJOURNMENT**

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

The meeting was closed at 8:45 pm. The next Planning Board meeting will be May 21.

Respectfully submitted,

*Barbara White*

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

Minutes approved May 21, 2015