

April 18, 1991

Members in attendance: Richard Smith, Sr., Chairman;
Catherine George, Mel Keddy, Raymond Donald

Others in attendance: Sarah Campbell, Rockingham Planning
Commission, and Larry Smith, Conservation Commission

The meeting was called to order at 7:45pm by Mr. Smith.

Home Occupation Fees Mr. Donald motioned to set the fee for Home
Occupation hearings at the fee charged for a single lot
subdivision, plus \$2.50. The applicant will pay a \$25.00 permit
fee if the Home Occupation is allowed.

Mr. Keddy second.

The motion carried, 4-0.

Mr. Donald noted the effective date for the new fee schedule is
after those Home Occupation hearings that have been scheduled are
complete. The effective date of the new fees is April 19, 1991.

Home Occupation-Donna Davis

The Public Hearing for Ms. Davis was opened at 7:50pm. Ms. Davis
reviewed the checklist provided and responded as per the
checklist and Notice of Decision placed in her file. All answers
complied with the requirements. Ms. Davis stated there would be
only one client for every two hours, only a single car to be
parked at any given time. She would be the sole employee. Ms.
Davis selected medical as the nearest profession to describe her
home occupation.

Mr. Keddy asked if she would be the only employee.

Ms. Davis replied yes.

Mr. Keddy inquired if there would be any increase in employees or
business within this residence in the future.

Ms. Davis stated not in the residence. She stated she also does
the massage therapy at other locations, and anticipated that this
would increase over time.

Mr. Smith asked for input from abutters.

Mr. Roger Holt, abutter, stated that he was opposed to the home occupation. He cited concerns for the growing amount of commercial activity around his home. He lives at 69 South Road.

Ms. Margaret Caulk, 69 South Road, abutter, was also opposed to this home occupation.

Mr. Holt noted that there are a couple of construction type businesses within the neighborhood. He stated he came to a rural atmosphere and now it is becoming commercialized.

Mr. Keddy stated the Board is aware of Berco, and asked who else was conducting business there.

Mr. Holt mentioned Mike Pond was doing landscaping. He then asked if this also required a variance.

Mr. Keddy noted that this home occupation would be a part time basis, with one client every two hours and therefore, would not constitute a traffic impact on South Road.

Ms. Davis noted that she is gearing toward doing more with her other sites. She recently opened at the Exeter Inn. She noted the occupation requires one room, a table for massage. Ms. Davis is CPR certified, has a New Hampshire state license (certified and licensed in NH), and has been a resident of East Kingston for 12 years.

Mr. Keddy asked what impact there would be on the area by her business. He asked if she was advertising now.

Ms. Davis stated no advertising at this time, and she does not plan to. She noted she will display no sign for security reasons. She stated she screens all calls, accepts no unknown men. She noted she has advertised for her Salisbury location. She noted she got calls when her ad went out for the East Kingston area.

Mr. Donald stated that her original application noted "see back" and that nothing appears on the back. He asked if the letter accompanying was what was referred to.

Ms. Davis said this was what the reference was for.

Mr. Keddy noted that the letter stated she hoped to increase to five clients per day.

Ms. Davis stated that was before she was able to open at Exeter Inn. She stated five clients per day was the maximum she could do.

Mr. Holt stated he did not think the sign would make any difference. He feels the massage parlor would detract from the neighborhood.

Mr. Keddy stated that some neighbors have already used this service.

Mr. Holt questioned security concerns.

Mr. Donald asked if she is required to be licensed.

Ms. Davis stated yes, as mentioned before, she is licensed by the State of New Hampshire and produced a copy of the license for the Board's review.

Mr. Keddy asked how big her driveway is, how many cars can be parked there.

Ms. Davis stated it would hold four comfortably.

Mr. Keddy stated the Board would be concerned with parking on the street.

Mr. Holt stated...or on the lawn.

Mr. Marshall Decker stated that as an observer, if she has a sign it would be less likely the neighbors would be asked for directions.

Ms. Davis stated she lives next door to the Bagshaws.

Mr. Keddy asked if there would be day or evening hours.

Ms. Davis answered both. She would have her last client at 8:00pm. It was further clarified that the last client would be scheduled to begin at 7:00 and end at 8:00pm.

Mr. Donald asked if any clients were referred to Ms. Davis by the medical profession.

Ms. Davis stated yes, by Dr. Myers, a chiropractor and Paul Heaps, a physical therapist.

Mr. Donald asked if there was any objection to issuing the permit.

Mr. Holt stated the neighborhood as rural, and is changing over the years. He is not pleased with being next door to a massage parlor or what ever...and stated there have been problems with parking on his lawn from parties held there in the past.

Ms. Caulk noted if the permit is issued, are permits revocable if a problem crops up.

Mr. Donald stated the Ordinance permits if the home occupation is injurious something can be done, ie, noise, or otherwise. An annoyance can be taken care of.

Ms. Campbell stated this is an annual permit.

Mr. Donald said if there are written complaints, they would be carefully reviewed by the Board of Selectmen and investigated.

The complaints would be dealt with through the Selectmen and not the Planning Board.

Ms. Davis stated the complaints would have to be validated.

Mr. Keddy stated if the permit was granted he would like to see measures to minimize impact on the neighborhood. He recognized Mr. Decker's point, and went on that a number of hours--limited hours of operation not to exceed 8:00pm would be in order.

Ms. George motioned to recommend the Selectmen grant a Home Occupation Permit with the addition of an 8:00pm time limit and the number of the residence posted to identify the particular residence to clientele.

Mr. Keddy second.

The motion carried 4-0.

Ms. Caulk noted she was opposed and since she walks a lot, she wanted to see one further condition, one which would protect her from having a problem with "characters" seeking directions, etc.

Mr. Donald stated that upon renewal, this could be addressed, and in the interim Ms. Davis would have a chance to rectify any problems.

Ms. Caulk stated this would be dealing with problems after the fact, and this might make it more difficult.

Mr. Holt noted that as approved already, it is degrading to the

neighborhood.

Mr. Donald stated he appreciates Ms. Caulk's concerns, however, therapeutic massage has a place in the community. The voters have allowed Home Occupations and the Board has received this request for a permit and the request has been recommended for acceptance by the Selectmen.

The Public Hearing for Ms. Davis closed at 8:43pm.

FMR The continued Public Hearing for FMR was opened at 8:40pm.

Mr. Decker submitted his plan for Board review.

Ms. Campbell stated there was a problem with Lot 5.1.4, which should be 5.1.5. She noted the abutter's name has been changed and now is correct.

Ms. Campbell asked if Mr. Decker heard from Civil Consultants.

Mr. Decker said yes, and Mr. Smith has copy.

Ms. Campbell stated the plan shows the changes on the site and the abutter change.

Mr. Decker stated that notes were added to the plan.

Ms. Campbell noted that lots 2013 should be added to the footnote. They should read...2015, 2016 and 2013. She also noted that the Fire Chief needs to certify the pond.

Mr. Decker noted that what was asked for has been done at the pond. He showed a detail of the pond area, with space off the shoulder for a fire truck, shows the hydrant location.

Mr. Decker changed the number on the footnote and initialed the blueprints for the Planning Board records. A copy was supplied for the Selectmen, Building Inspector and Planning Board files.

Mr. Keddy motioned to approve the FMR subject to approval of the Fire Chief, or Austin Carter, Deputy Fire Chief and correction of the numbers on the mylar.

Ms. George second.

The motion carried 4-0.

Mr. Decker stated there is an outstanding matter from the last meeting and he since has received a breakdown of the bill, plus a

\$60.00 charge for the breakdown. He stated he has paid the entire amount of the bill and has placed a suit within Small Claims Court in Salem, NH for recovery. A copy of this suit was handed to Mr. Smith.

The Public Hearing for FMR was closed at 8:45pm.

Dennis Jacques-Preliminary Discussion Dennis Jacques was present as was his engineer, Tokey, of Stockton Services, Hampton, NH. Tokey explained they are seeking a Lot Line change and want a hearing for next month. She explained the reasons for the request and stated the net affect would keep the area acreage the same. Mr. Jacques hopes to swap land (side) adjacent to Mr. Hughes for land adjacent (rear) of Mr. Hughes.

Mr. Smith asked if Mr. Hughes was aware that he will be paying more in taxes. Mr. Donald explained that taxes are based on road frontage which would increase with this type of exchange.

Tokey noted that the Jacques have been denied access by the state through the right of way on route 107/108, and this could be a basis for abating if the Hughes make this decision.

Ms. Campbell asked the purpose of the proposed change.

Tokey explained the proposition. The Jacques want to create two lots for their sons, who are both residents. One of the lots would have only 60 ft. of frontage with the proposed configuration.

Mr. Donald asked the frontage of the lot.

Tokey noted they want to go to the ZBA for a variance, but have to come to the Planning Board first.

Ms. Campbell asked why they did not give an easement and move the driveway.

Tokey stated they would rather go to the ZBA.

Ms. Campbell noted the Planning Board would require a formal application prior to proceeding in any case.

Mr. Smith stated they need an application before the Planning Board can act. It was then explained in detail the necessity for filing the application and notifying the abutters, etc.

After some discussion, regarding application submissions, it was suggested they submit an application for Lot Line Adjustment then

follow up with the Subdivision application.

Tokey asked if they needed to have State Subdivision approval in order to go forward.

Ms. Campbell stated the Board can give conditional approval.

Mr. Keddy asked how they were planning to redraw the lot line for 200 ft.

Tokey asked for an interpretation of the Ordinance. It was noted there is no special exception for poorly drained soils. She wanted to know if they could put a driveway on poorly drained soils and if they would need a Dredge & Fill Permit for the crossing.

Larry Smith stated they would need a Wetlands permit for the crossing.

Tokey noted the State advised her to send an amended change for the Lot Line Adjustment, there would be no further approval required.

Mr. Smith asked the Board's feeling about scheduling these applications.

The Board agreed to accept both applications this evening, noting that there is only a single copy of one application available this evening. Tokey is to get three additional copies to the Town Office in the morning.

The Secretary will schedule the Lot Line Adjustment first and the Subdivision second on the agenda for May.

Mr. Keddy motioned to allow one mailing for both applications to the abutters.

Ms. George second.

The motion carried 4-0.

The Jacques were charged \$160.00 for both application filings.

The discussion of Bylaws will be placed on the May agenda.

Ms. Campbell has requested a copy of the preliminary agenda with her minutes.

Shirley Madej will be scheduled for a Public Hearing for Home

Occupation in June.

The Board approved a Special Meeting of the Board on May 28, at 7:00 to review Water Resources and the Bylaws.

Larry Smith updated the Board regarding several items relative to the Planning Commission.

Impact fee passed the House and is in the Senate
Strictly enabling legislation
Encouraged phone calls to Senator Russman

Development of Regional Impact adopted by House in Feb.
No action by Senate

Procedure for Planning Board revocation of plats

Shoreline Protection Act passed House
Rivers have been removed, just large ponds, no funds

Mr. Smith reviewed incoming mail.

Civil Consultants:

Red Gate Southmeadow...work on Pheasant Run & Forest Lane
may need underdrain on Partridge Lane

FMR bill for \$189 cancelled

Information re: Brandywine Drive...Ms. Campbell has for file

Letter from Selectmen to Mr. Cottuli, April 1, 1991
Copies from Civil Consultants attached re: bonding and
work to be completed.

Rockingham Planning Commission:

Planning Board training workshops

Report

Letter from Ms. Campbell re: Stumpfield Rd. possible
30 acre pc/ has had 5 acres taken out with no approved
Subdivision.

Richard Smith: re: John Ladd property. Mr. Smith told him
to do a LLA to incorporate one parcel back into the whole
piece.

Rockingham Planning Commission Training Workshops...those attending:

Cathy George....May 9 and 23, 1991
Mel Keddy.....May 23

The meeting was adjourned at 10:26pm.

Respectfully submitted,

Nancy J. Marden, Secretary

Typed: April 23, 1991