



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2012-2013
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 18 April 2013
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Public Hearing** for Diana Whitmore, 108 Depot Road (MBL 04-02-11) regarding a change of use for a home occupation for dog boarding.
- ◆ **Public Hearing** for a proposed 4-lot subdivision at Woldridge Lane (MBL 03-02-03).

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:00 pm.

ROLL CALL: Mrs. White called the roll.

Members Present: Chairman Mr. J. Cacciatore, Vice Chairman Dr. R. Marston, Mr. J. Bath, Mr. Ike Davis and Ex-Officio Mr. R. Morales.

Advisors present: Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche, East Kingston Building Inspector John Moreau, Assistant Building Inspector Tom Welch, East Kingston Road Agent Matt Gallant, East Kingston Fire Chief Ed Warren, East Kingston Conservation Commission Chairman Dennis Quintal.

Others Present: Applicants Diana and Warren Whitmore; East Kingston residents Howard George, Diane Palladino, Dan O'Neill and Dave Hobson; and Albert Trudel representing the developer for the proposed subdivision at Woldridge Lane.

Board Business

Minutes

Mr. Cacciatore asked for a motion on the March minutes.

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

New Member Interest

Mr. Cacciatore noted the Planning Board had received a letter of interest for membership from Mr. Chris Delling. Mr. Delling has resided in East Kingston for 8 years and would like to be more involved in the community and the future of the Town. Mr. Cacciatore recommends Mr. Delling as an alternate to the Planning Board and asked for a motion.

MOTION: Mr. Bath **MOVED** to send a letter to the Selectmen asking them to appoint Mr. Delling as an alternate to the Planning Board; Dr. Marston seconded. The motion was unanimous.

Mr. Cacciatore welcomed Mr. Delling to the Board. Mrs. White provided training information.

Mrs. White explained the Planning Board would send a letter of recommendation to the Selectmen for approval. An appointment would be drawn up and Mr. Delling would be contacted to come into the Selectmen's Office and sign his appointment.

Public Hearing for Diana Whitmore, 108 Depot Road (MBL 04-02-11) regarding a change of use for a home occupation for dog boarding.

Mr. Morales recused himself as he is a customer of the Whitmores and stepped down from the Board.

Mr. Cacciatore opened this public hearing and invited Mr. & Mrs. Whitmore to the front to present their intentions to the Board.

Mrs. Whitmore explained she had been before the Board in 2009 for a home occupation for dog boarding in May of 2009, at which time she was approved to build kennels and board up to 5 dogs.

At last month's meeting, Mrs. Whitmore inquired if it would be feasible for her to submit an application for a change of use to increase the number of dogs. She was told she could submit a new application; it was determined a site walk was necessary in order for the Board to make an adequate determination. Several Board members had completed a site walk to view the property.

Mrs. Whitmore noted that she had started her boarding home occupation with the intention of having the animals in kennels. She has since changed the way she operates and has found that as long as she ensures that the dogs get along with each other, it works better for her to allow them to be loose inside her home. She only feeds the dogs in the kennels.

Mrs. Whitmore screens the animals coming in, introducing them to her own dogs and others that may be there, to make sure they are compatible and ensures that the dogs have all required shots. She has an arrangement with the Hampstead Animal Hospital if any emergencies come up, and has insurance that would cover anything that might occur.

Since changes to the home occupation ordinance had been approved at the 2013 Town Meeting, she would like to request that the number of dogs she can take in be increased. The ordinance now states that for animal care and training, the number of animals is to be determined by the Planning Board. Also, as her daughter is attending dog grooming school, Mrs. Whitmore would also like to have the ability to offer grooming to her customers.

Mr. Bath asked Mrs. Whitmore how many dogs she would be comfortable taking care of. She asked why there needed to be a number of animals in the first place. Mr. Bath noted it was to ensure that was enough area in which to accommodate the amount of dogs one might have. Ms. LaBranche referred to the Home Occupation Ordinance which stated that a home occupation was limited to 25% of the gross floor area located on the property, or in the case of being located on a state road, it would be 50%.

Mr. Bath had taken the site walk and noted there was a lot of room for the dogs with trails, privacy fencing, etc. Mr. Cacciatore asked the animal control officer (Dr. Marston) his opinion, and he answered there had been no complaints and he found all required paperwork complete and up-to-date during his annual review visits.

Ms. LaBranche noted Mrs. Whitmore would need to specify a number of dogs the record; she asked the her number to be increased to 15 dogs.

It was ascertained that the Whitmore lives on a state road, and also have much more acreage (46 acres) than the required 8 acres to qualify for her home occupation to take up to 50% of the gross floor area (2890 sf ÷ 2 = 1445 sf). Taking into consideration 15 animals, 1445 sf would allow 96 sf of area per dog, which would be adequate space.

Mr. Cacciatore opened the floor to abutters. *Mr. Howard George, 96 Depot Road*, noted he had no problem with what Mrs. Whitmore was asking for. He stated he had only one suggestion as at a previous time, one of Mrs. Whitmore's own dogs had come on to his property and he did not know who it belonged to or who to contact. His suggestion was for Mrs. Whitmore to somehow attach to the dogs' collars a tag stating that they were being boarded with her and contact information. Mrs. Whitmore noted that was an idea she had been looking into, but had not found anything that would fit onto the collars as of yet.

Mr. Cacciatore closed the floor to abutters.

Mrs. Whitmore had provided numerous letters of recommendation from her customers, and letters from some of her abutters indicating they had no problems with what she was asking for and had no concerns.

There being no further discussion, Mr. Cacciatore asked for a MOTION.

MOTION: Mr. Bath **MOVED** to approve the change of use for Mrs. Whitmore's Home Occupation to allow her to board up to 15 dogs, provide grooming services, and entertain an accountability process for identifying where the dogs were being boarded in case they should escape. Dr. Marston seconded; the vote passed unanimously.

The first condition of the original approval will be amended to read as follows, new information indicated by boldface type:

1. The home occupation for doggie day care and dog boarding **and grooming** is approved for up to **15** dogs.

The second condition is entirely new:

2. **An accountability process shall be utilized to identify Diana's Country Inn as the entity to contact in the case of an animal inadvertently getting loose.**

The balance of the existing conditions are the same, only being renumbered to accommodate the new #2.

Final amended conditions for this business are as follows:

1. The home occupation for doggie day care and dog boarding **and grooming** is approved for up to **15** dogs.
2. **An accountability process shall be utilized to identify Diana's Country Inn as the entity to contact in the case of an animal inadvertently getting loose.**
3. Approved hours for the dogs to be outside - 7:00 am to 9:00 pm daily.
4. Composting of waste shall take place on the premises and shall be no closer than 30 feet from any property line.
5. Proper paperwork shall be collected and retained concerning animal vaccinations.
6. The East Kingston Animal Control Officer shall conduct an annual inspection of the required paperwork and premises.
7. Applicant will need to come before the Planning Board for any changes to these approved conditions.
8. All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

Mr. Cacciatore closed the public hearing. Mrs. Whitmore thanked the Board for their time. Mr. Morales rejoined the Board.

Public Hearing for a proposed 4-lot subdivision at Woldridge Lane (MBL 03-02-03).

Mr. Cacciatore opened this public hearing and invited Mr. Trudel to explain the proposal.

Mr. Trudel explained he was before the Board to formally submit a 4-lot subdivision at Woldridge Lane, having presented a conceptual plan to the Board in July of 2012. Since that time, they have completed

engineering, surveying and soils testing at the site. Each proposed lot has the required number of acres and feet of frontage.

The site comprises of 15 acres at the end of Woldridge Lane, an existing cul-de-sac. This cul-de-sac is presently approximately 960 ft long and they are proposing extending it an additional 360 feet, submitting a waiver for the additional length. The new cul-de-sac would start at the present location of the existing ROW

Sheet #2 shows topography and HISS mapping (soils); Sheet #3 shows the proposed lots with buildable areas depicted; Sheet #4 shows proposed well radii and septic; Sheet #5 shows the proposed roadway grading; Sheet #7 shows the proposed drainage details. The proposal shows a closed drainage system with curbing and catch basins to allow water to drain to the swale.

Two days ago, they has received comments from the Town Engineer. Most of the concerns can be rectified fairly quickly, with the two main issues being the proposed closed drainage system and the road length.

Mr. Cacciatore asked for comments from the Board.

Mr. Morales asked why there was a discrepancy in the number of lots notated on Appendix A of the East Kingston Application for Subdivision Approval (4) and the number submitted on the Application for Approval of Subdivision of Land to the Department of Environmental Services - DES (3). Mr. Trudel explained that if a lot was over 5 acres, it did not need subdivision approval from the State; Ms. LaBranche corroborated that fact.

Mr. Bath asked if there were any life safety issues from the Fire Department in regard to considering the extension of the cul-de-sac length. Chief Ed Warren noted that his concern would be the ability for his equipment to reach the distance from the existing cistern/fire pond to the furthest proposed house. He had already had an issue on that road for his equipment due to one of the long driveways. He inquired how far it would be to the furthest structure, not just the end of the proposed cul-de-sac. The first two houses, closest to the end of the existing cul-de-sac and cistern/fire pond would not be an issue. He suggested another cistern could be installed at the end of the proposed subdivision to accommodate the new houses, or the two furthest houses could have sprinkler systems installed which would take care of the issue.

Mr. Trudel asked if the Board would consider taking jurisdiction of the plan tonight. Mr. Warren reminded the Board taking jurisdiction would start the clock and suggested continuing the hearing. Mr. Bath did not think they had enough information in reference to the driveway distances for life safety to take jurisdiction. Mr. Morales agreed he would not be comfortable taking jurisdiction as he would also like to see the answers to the Town Engineer's questions before he would consider the plan complete.

Ms. LaBranche asked where the house for lot 3-2-3-1 was proposed to be located; Mr. Trudel pointed out the location. Ms. LaBranche asked if DES did not require a location to be kept available for another septic location in case the first septic system failed; Mr. Trudel noted Massachusetts required it but New Hampshire did not. Mr. Quintal corroborated that fact.

Ms. LaBranche inquired where the total amount of disturbed area was included on the plans; Mr. Trudel pointed out the location on Sheet 6. The total was 86,900 sf. Ms. LaBranche asked that the wetlands scientist stamp be included on sheet 3.

Ms. LaBranche referred to the comments by the Town Engineer and reiterated by the Road Agent regarding the road design, as it does not conform to the standard road design in the subdivision regulations. She asked why they had gone with a closed curb and catch basin system as opposed to open drainage. Mr. Trudel explained the intent was to direct the flow of water into the drainage area on their own property and away from the abutters area.

Mr. Gallant explained the biggest concern was maintenance. There are 5 catch basins in the entire Town, and since the size of the proposed catch basin is so large, it would double that area.

There is also concern regarding with plowing and the cape cod berms. Ms. LaBranche suggested the Road Agent, the consulting engineer and she have a meeting and see what alternatives could be utilized. She reminded Mr. Trudel that if they were to go with the more structured design, easements would need to be included for maintenance.

Mr. Cacciatore opened the floor to abutters.

Mr. Dan O'Neill, 7 Woldridge Lane - Mr. O'Neill was new to the neighborhood, just moving in last August. He loved the area and the idea he was on a cul-de-sac where he was teaching his 7-year old to ride his bike. Mr. Trudel had alluded to the fact that the existing cul-de-sac would be eliminated and replaced with gravel, which would give less area for children to safely ride their bicycles. Mr. O'Neill was afraid adding 4 more houses would change the neighborhood, and was also worried it might affect his well.

Mr. Dave Hobson, 3 Woldridge Lane - Mr. Hobson noted the well across the street from his house did run dry, but he opined it was a dug well as opposed to an artesian well, as it was an older home. He was concerned about the highway aspect of the plan and drainage from the new development onto his property, which was already wet in areas (where would the additional water go?) and for the life safety aspects Chief Warren spoke about.

Mr. Hobson noted adding four new homes would greatly change the neighborhood by almost doubling it; it would be more consistent with the existing area to only build two homes at the end of the existing cul-de-sac. That way the integrity of the neighborhood would be kept and the issues the Road Agent brought up and the life safety issues the Fire Chief was concerned about would not be there. If the subdivision as presented was approved, he would like the style of the community to be maintained to be consistent with the existing neighborhood by building similar styles of homes for similar price ranges to keep the continuity so it did not look like two different neighborhoods.

Diane Palladino, 2 Woldridge Lane - Ms. Palladino she has the same concerns as Mr. O'Neill & Mr. Hobson, and was also worried about water on her property as her neighbors had had a bad time with flooding a few years ago.

Mr. Moreau asked if the required frontage for the lots was the determination for the length of the road. Mr. Trudel noted most of the time it was, as well any setbacks that would need to be allowed for. Mr. Gallant noted the existing cul-de-sac is very large; were they intended for the new cul-de-sac to be the same size? Mr. Trudel answered yes.

Ms. LaBranche asked for verification on the length of the existing cul-de-sac to the farthest end; Mr. Trudel noted the length was 950', and the proposed cul-de-sac length was approximately 400'. Ms. LaBranche asked the Fire Chief about his life safety concerns; Chief Warren noted he had asked Mr. Trudel to notate how far it would be to the farthest structure, taking into consideration the length of the driveways. When he had those measurements, he could make a better determination of what would be necessary.

Ms. LaBranche was concerned in regard to the lack of wetland information for the immediate adjacent lots and asked for that information could be included on the new plan. Mr. O'Neil indicated at the present time he had some flooding on the east side and the rear of his property.

Mr. Cacciatore asked for a MOTION.

MOTION: Mr. Bath **MOVED** the Planning Board continue this public hearing for the 4-lot subdivision at Woldridge Lane (MBL 03-02-03) until the May 16th meeting; Dr. Marston seconded; the motion passed unanimously.

Mr. Cacciatore closed the public hearing.

Board Business

OEP Planning and Zoning Conference

Mrs. White asked if anyone had made choices from the training packet she had passed out; Mr. Davis passed in his choices and Ms. LaBranche and he will coordinate to car pool. Mrs. White provided a packet for the training to Mr. Delling with instructions on how to submit his choices.

RPC Community Conversations

Ms. LaBranche informed the Board the Rockingham Planning Commission is holding Community Conversations to gather information from residents to identify local assets, needs and ways to effectively use limited government resources gather public input in updating their regional plan. What do you like about your region, what could be better, what do you value, what type of services do you have you like, what type of services do you wish you had, etc. Topics include housing, transportation, energy, environment, economic development, land use, etc.

Everyone is invited to attend and participate. It will be held at the Sanborn Regional High School in Kingston on Tuesday evening May 14 from 7:00pm to 9:00pm. Child care will be provided and refreshments will be served.

Wetland Study Area Walk

Ms. LaBranche reminded the Board of the tour of the Pheasant Run Wetlands Area to be conducted on May 4 from 10 am to noon. Light snacks and beverages will be provided; please wear appropriate clothing.

Mr. Masone

Mr. Quintal offered some updated information in regard to the Masone continued public hearing. There was a stormwater maintenance agreement put together, some changes were made and Mr. Quintal was waiting to coordinate with Mr. Masone to sign the updated agreement.

Mr. Jamieson

Mr. Quintal had provided an revised site plan and application to Mr. Jamieson to submit to the Board last month. Mrs. White indicated Mr. Jamieson had submitted those plans, but she was under the impression he would be going to the Zoning Board before he was to meet with the Planning Board. She will check with him and see how he wants to proceed.

ADJOURNMENT

MOTION: Dr. Marston **MOVED** the Planning Board adjourn, Mr. Bath seconded.

Mr. Cacciatore closed the meeting at 8:50 pm. The next Planning Board meeting will be on May 16.

Respectfully submitted,

Barbara White

Barbara A. White
Planning Board Secretary

Ed Cacciatore
Chairman

Minutes approved May 16, 2013