



**PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire**

2019-2020
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

MINUTES
Regular Meeting April 18, 2019
7:00 pm

AGENDA:

Board Business.

- **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park – Charles Gardner/Gardner Transport LLC - Trucking, light fabrication / repair of truck equipment / snow plowing - EK PB 19-0B
- **Discussion** with Vicki Brown, 5 Stumpfield Road, dba Vickie J. Brown LLC - MBL 15-03-10 re: invisible home occupation HO 19-02
- **Discussion** with Eugene Capobianco, new owner of 14 Powwow River Road, for review of a conceptual change to the approved site plan.
- **Update** from Mr. Quintal on the clean-up status of 213 Haverhill Road / Light Industrial Park.
- **Discussion** re: review of existing Single-Family Cluster Residential Development ordinance (Article XI).

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

Members Present: Chairman Josh Bath, Vice Chairman Tim Allen, Dr. Robert Marston, Bill Caswell, Ron Morales, and Ex-Officio Richard Poeleart.

Advisors Present: RPC Senior Planner Julie LaBranche and Building Inspector John Moreau.

Also present: Applicants Mr. and Mrs. Eugene Gardner, Mr. Jason Gardner, Ms. Vicki Green, Mr. and Mrs. Capobianco, and their representative Mr. Dennis Quintal.

Minutes: Mr. Bath asked for a **MOTION** to approve the March Minutes.

Mr. Allen **MOVED** to approve the March minutes as presented; second by Mr. Morales with a unanimous vote.

Board Business

Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park – Charles Gardner/Gardner Transport LLC - Trucking, light fabrication / repair of truck equipment / snow plowing - EK PB 19-0B

Mr. Bath invited Mr. Gardner to explain his application to the Board.

Mr. Gardner owns a small trucking business and does light repairs and fabrication. His present location has been sold and the new owners want to use the building so he needs to vacate.

He and his son work for Brox Industries. He has asked for starting hours of 4:30 am so they could arrive at the park and get ready to leave by 5:00 am.

They would have a total of three employees; Mr. Gardner, his son and one other driver. There would be no additional lighting.

Mr. Bath explained they would need to let the Police Department know if they approved his early working hours so they are aware he would be there outside of the rest of the park's hours of operation. If they approved his early hours, it would be mandated that no work on the trucks would start until 7:00 am.

Mr. Gardner has indicated that all hazardous materials (such as oxy-acetylene, spray cans of paint, cleaner) will be kept in a fire-proof cabinet. There would be no fuel storage on site other than what is in the trucks.

They would only do light fabrication; no body work or painting other than touch-ups. They do no motor work and will not leave any parts outside the building. All mechanical work will be done inside the building.

They store waste oil in a barrel and a company comes and hauls it away. Mr. Allen asked Mr. Gardner to install a plastic pack pad underneath the waste oil barrel in case of spillage; Mr. Gardner agreed. All other refuse would go into a dumpster provided by the property owner.

Mr. Bath noted there would be periodic inspections required by the Fire Department. Mr. Gardner indicated at their current location they had had all the necessary inspections from the Fire Department and tagging of fire extinguishers and had never had any problems.

At night in the better weather, two work trucks would be parked outside and they would store the trailers inside. In the winter they would put the trailers and their personal vehicles outside and park the trucks inside. Mr. Gardner was informed that no unregistered vehicles would be allowed.

Their trucks would be empty when they leave the park. They haul gravel and stone in their trucks but they would be empty when they get back to the park.

Mr. Bath asked if Mr. Gardner did snow plowing for others as he mentioned it on his application; he answered he did not. He was thinking he might need to snowplow to get his trucks out of the park to go to work at the early hour.

Mr. Bath asked if there were any abutters present; there were none.

Conditions would be: approved hours of 4:30 am to 7:00 pm with no mechanical work until 7:00 am; all hazardous materials to be kept in a fire-proof cabinet; no parts stored outside the building; waste oil barrel will have a plastic pack pad underneath; on-site dumpster will be used for refuse; no more than two works trucks or trailers to be stored outside the building plus personal vehicles; periodic inspections by the Fire Department; any changes will need to be approved by the Planning Board; and all outstanding or future fees and charges due to the town will be fully discharged.

Mr. Bath asked for a **MOTION**.

Mr. Morales **MOVED** to approve the tenancy of Charles Gardner / Gardner Transport LLC - at 213 Haverhill Road (MBL 11-02-17) EK PB 19-0B for light fabrication and repair of truck equipment with the above-stated conditions; second by Mr. Caswell with a unanimous vote.

Mr. Gardner thanked the Board.

Mr. Bath closed the Public Hearing. Mrs. White will send the Notice of Decision to both Mr. Masone and Mr. Gardner, with a copy to the East Kingston Police Department for notice of the early hours.

Discussion with Vicki Brown, 5 Stumpfield Road, dba Vickie J. Brown LLC - MBL 15-03-10 re: invisible home occupation HO 19-02

Ms. Brown has submitted an application with all the required attachments for a home occupation which appears to meet the requirements for an invisible home occupation.

Mr. Bath invited Ms. Brown to explain her application. Until the elections in March and the changes to the home occupation ordinance, she was not aware that she needed to go before the Planning Board.

She had established her business, Vicki J. Brown Marketing, LLC 3 years ago and uses part of a room in her house for her office work. She was here tonight to go through the proper process for a home occupation.

She does contract work as a healthcare consultant. She has no employees, deliveries or signage. Her office is 100 sf and is used part-time but not enough to claim on her income tax as an office. She does not need operating hours as she sees no clients at her home.

The Board agreed she met the requirements for an invisible home occupation.

Mr. Bath asked for a **MOTION**.

Mr. Allen **MOVED** to recommend to the Selectmen the home occupation for Vicki Brown, dba Vicki J. Brown LLC, 5 Stumpfield Road, MBL 15-03-10 as an invisible home occupation; second by Mr. Morales with a unanimous vote.

Ms. Brown thanked the Board.

Mrs. White will send a letter to the Selectmen and Ms. Brown will be hearing from them regarding permit fees and deadlines.

Mr. Bath closed the discussion.

Discussion with Eugene Capobianco, new owner of 14 Powwow River Road, for review of a conceptual change to the approved site plan.

Mr. Capobianco and his representative Dennis Quintal were here tonight to explain the proposed changes to the approved site plan for 14 Powwow River Road and find out what additional information they needed to apply for an amended site plan to go to public hearing in May.

Mr. Quintal explained he noted the corner of the proposed buildings were too close to the wetlands and has since redrawn the plan with the proper distance noted. He distributed new copies to the Board for review.

He has shown the structure Mr. Capobianco is proposing in the place where the previously-approved work shop building and greenhouse were, and there is now additional parking for the four units of the building.

Access to the new building would be around the main building. Mr. Quintal has calculated all the new drainage figures for the new structure and the two parking areas, and has shown trenches on both sides of the drip edge for runoff and catch basins. He pointed out where the water lines, sewer lines and underground electric would be located connecting the new building to the main building.

The structure would have four separate bays with their own bathroom, each with a garage door in the rear and a door on the front side. There will be enough room for a small office space and for a tenant to store

their work truck and some equipment. Mr. Capobianco will number each of the units similarly to that of the front buildings and add the new tenant names on the main sign in the front.

Mr. Bath asked about storage of hazardous waste. Mr. Capobianco stated he was not in favor an any hazardous waste being stored in the units; he envisioned tenants would only store their work vehicles and maybe some equipment.

Mr. Quintal has updated abutters on the site plan, and shown snow storage areas. On the second sheet he has updated the stormwater details and added the roof infiltrate trench and catch basin detail.

The leaching field is 75 feet from the seasonal pond, which meets the requirements. The proposed catch basins will take the place of the previously shown swale.

Mr. Bath noted that no outside storage would be allowed and all refuse must utilize the on-site dumpster and be removed at the owner's cost. There was also discussion regarding the new parking area which is in close proximity to the propane tank for the site. The dumpster will also be situated in this area. Mr. Capobianco was asked if he would install some bollards in front of the propane tank; he agreed.

The septic system had been previously enlarged to 950 gallons and has been approved by the state. There was discussion on water flows for the site and the conclusion was a run time meter should be installed on the pump for the most accurate water usage totals. Mr. Capobianco agreed to install the meter.

Mr. Bath asked for silt fencing to be installed during construction because of the proximity to the wetlands. Ms. LaBranche asked Mr. Quintal to check the existing detention basin to make sure it is working. Mr. Allen asked about any vegetative barrier between 14 Powwow Rive Road and the 114 Haverhill Road property. Mr. Capobianco noted there are already vegetative barriers on either side of the existing woods road.

Mr. Capobianco distributed some copies of what the proposed building would look like. It will be installed on a slab and divided into four sections, and will be the same color as the main building. Mr. Allen asked for a sketch of the building envelope to be included with the application with elevations and measurements.

Mr. Capobianco noted he has already moved the location of the fire alarm for better access by the Fire Department and will have the new building alarmed as well.

Some in-depth additions to the plans were requested by Ms. LaBranche, who will send a list to Mr. Quintal for incorporation on the new plan.

Mr. Capobianco will submit a site plan application with any attachments required next week and be put on the May 16 agenda for public hearing. He submitted his check to Mrs. White to go with his application.

Mr. Capobianco thanked the Board for their time.

Mr. Bath closed the discussion.

Update from Mr. Quintal on 213 Haverhill Road / Light Industrial Park.

Mr. Quintal reported he had reviewed the area and submitted some pictures for the Board. Some areas were changed but there was still a lot of work to be done. Mr. Masone has signed the Dredge & Fill application for the state but Mr. Quintal had not submitted it to the state yet.

Board discussion led to the consensus Mr. Masone should adhere to the deadline of June 1 he gave to the Board. They also stated that until the work was completed, other than the wetlands work, they would not approve any new tenants or any new buildings to be built on the site.

Ms. LaBranche will draft a letter to Mr. Masone noting what still needed to be done and the decision of the Board which will be sent out next week. She will include a marked up copy of the site plan and denote the

areas that need to be cleaned up. She will also draw up some best management practices to be distributed to the tenants. Mr. Bath will visit the site.

Discussion re: review of existing Single-Family Cluster Residential Development ordinance (Article XI).

This item was tabled to the May meeting.

Other

- Mr. Poeleart reported that Bob’s Septic business was sold in December but the business is still operating and the new owner has not come to the Planning Board. The previous owner is still living in the house. Home Occupations go with the homeowner and not the property. It was the consensus of the Planning Board that the Selectmen should send a Cease and Desist to the Exeter company running the business from that address.
- Mr. Poeleart also reported Don Bodwell’s lagoon has tested positive for PFOs and PFOAs, as well as five private wells, and has been shut down by the state. Mr. Bodwell was the one to report it to the state and is cooperating. All activity on that site is ceased.
- Ms. LaBranche noted there was a Wetlands Tour and Talk sponsored by the East Kingston Conservation Commission at 16 Pheasant Run Lane, East Kingston on Saturday, May 4 from 10am to noon.

Adjournment

Mr. Morales made a **MOTION** to adjourn; Mr. Caswell seconded, with a unanimous vote.

Mr. Bath closed the meeting at 8:55 pm.

The next Planning Board meeting will be on May 16th.

Respectfully submitted,

Barbara White

Planning Board Secretary

Josh Bath

Chairman

Minutes approved 5/16/19