



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2007-2008
James Roby Day, Jr., Chairman
Catherine Ellen Belcher, Vice Chairman

MINUTES
(Regular Meeting and Public Hearings of 19 April 2007)

AGENDA:

- 7:00PM - **Board Business**
7:30PM - **Public Hearing** - Lot Line Adjustment between Charles and Kathleen Ford, 13 Depot Road (MBL 9-3-4) and Janet and William Damsell, 39 Depot Road (MBL 9-3-9) (EKPB #07-01).
8:00PM - **Continued Public Hearing** – Site Plan review of Kathleen and Charles Ford, 13 Depot Road, East Kingston, MBL 09-03-04, (EKPB #06-OD) for a business utilizing pre-made storage units in the Commercial District.
8:30PM - **Public Hearing** – proposed Home Occupation for Peter Ridabock, 65 Depot Road (MBL 9-4-8), involving glass blowing.
9:00PM - **Continued Board Business**
9:15PM - **Adjournment**

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

ROLL CALL: Mrs. White called the roll.

Members present – Vice-Chairman CE Belcher, Chairman JR Day, Dr. RA Marston, Mr. RA Smith, Sr., and Mr. Robert Caron, ex-officio

Alternate members present –Mr. RF Morales, and Mr. DF Sullivan,

Advisors present – Mr. Eric Schnitzel Steltzer, Planner, Rockingham Planning Commission (RPC); Mr. LK Smith, Conservation Commission Chairman; Mr. RR Donald, Building Inspector, and Mr. AJ Mazur, East Kingston Fire Chief.

Voting members – Mr. Day noted that there was a full Board in attendance.

BOARD BUSINESS

Mr. Day announced that since Eric Steltzer is the only one at the meetings without a middle name, the RPC had bestowed upon him the middle name of Schnitzel.

Mr. Day went over handouts to the Board.

- A letter from Ted Lloyd.
- Material in regard to Glenn Clark's project, which will be discussed later on in the meeting.
- A report from the Amtrack Downeaster, which has been a surprising success in spite of being expensive.

Elections. Mr. Day declared that it was time for election of new officers. Mr. Day then asked for nominations for the positions of Chairman and Vice Chairman.

- Mrs. Belcher nominated Mr. JR Day for Chairman; Dr. Marston seconded the motion. The motion passed unanimously.
- Dr. Marston nominated Mrs. CE Belcher for Vice Chairman; Mr. Smith seconded the motion. The motion passed unanimously.

Note from Mr. Lloyd. Ted Lloyd has asked to be granted a leave of absence. Mr. Day explained that statutorily, if a member does not show up three times in a row without an explanation, they may be removed from the Board. In this instance, it would be an excused absence. Mrs. Belcher stated the Board was fortunate to have Mr. Lloyds' expertise and she would rather grant a sabbatical than lose him from the Board altogether.

MOTION: Mrs. Belcher **MOVED** the Planning Board grant a leave of absence to Mr. Lloyd. Dr. Marston seconded, and the motion passed unanimously.

Mr. Day announced that he would inform Mr. Lloyd of the Board's decision, and that Mr. Lloyd would continue to have information relayed to him so as to stay current on Board affairs.

Targeted Block Grant (TBG) update. Mr. Day announced that the Planning Board had acquired the Town Hall for the Agriculture Workshop on Saturday, May 19. The Grange and 4-H may participate as well at Joann Brandt's prompting. Dr. Robinson and Mr. Steltzer (RPC), will be facilitating the workshop and Mary Currier from the UNH Extension Office will provide a presentation. Refreshments will be available.

Mr. Day turned the floor over to Mr. Eric Steltzer. Mr. Steltzer distributed to the Board members a draft version of a flyer he had created for the Workshop. He explained there was a USDA grant available for energy efficiency and renew-able energy, and that this grant was part of the 2002 Farm Bill. The grant has been ongoing for the past 4 years, and has been a huge success.

The USDA allots \$12 million annually for grants and approximately \$150 million in guaranteed loans. Vermont and New Hampshire have been categorized into one district and brought in over \$2 million in grants to help fund local projects. Fourteen of the sixteen applications submitted last year were accepted. Vermont grants tended to be more agricultural, working with dairy farmers to create electricity using animal by-products (methane) and the silage from the crops. The electricity could be sold and they could also amass renewable energy credits. Mr. Steltzer thought the grant information would work well with the workshop and suggested they have someone come and present information on the grants and future funding.

Mr. Day noted that the times shown on the flyer differed from the times they had agreed upon at the initial discussions. Mr. Steltzer stated that he would change the flyer to read 10:00am to 12:00pm. instead of 9:00am to 12:00pm.

Mr. Morales noted that Mr. Day had written a piece about the workshop for the local newspaper, and that the time stated in that article was 10-12. Mr. Day announced that there would be yet another article closer to the time of the workshop as a reminder.

In looking at the flyer, Mrs. Belcher asked if there were any way to make the workshop more appealing to residents of East Kingston and not just to farmers. She suggested it could be directed to preserving East Kingston, and how it would affect the East Kingston landowner. She perceived that the way it was currently written, someone could look at it and think it was solely directed at traditional farming vocations. It was not just agricultural, but encompassed wind farms, livestock, produce, and other types of farming as well.

Mr. Morales asked if sustainability was part of it. He mentioned that UNH was doing a lot on sustainability through agriculture and farming, which addresses a whole host of issues such as global warming. He wanted to know if that would be one of the topics discussed.

Mr. Steltzer thought Mary Currier would be speaking about that topic, along with the history of New Hampshire farming, the stages it has gone through, and what East Kingston could look to in the future. The USDA person could address the specific projects that have been funded for renewable energy projects and energy efficiency. Mr. Steltzer noted that these projects were not only for farms, but also for small businesses and other organizations in rural areas.

Mr. Day reiterated that the Planning Board was diligently working on creating a Master Plan chapter focused on agriculture, the conservation of open space lands, and an agricultural environment. To that effect, if Mr. Epstein's presentation would not be in conjunction with that focus, perhaps his presentation should be kept to a minimum or perhaps given at another workshop. The presentation times needed for both Mr. Epstein and Mary Currier is not known at this time, and there needs to be enough time devoted to know what the Town thinks; a brainstorming session of sorts. Mr. Steltzer would find out the time of the presentations, and if there was not enough time for three topics, something could be eliminated.

Mr. Donald suggested focusing on the “green” aspect, as well as the preservation of farming and the agricultural nature of the Town. One contributes to the other, and he thought it would get more people to participate. Mr. Day agreed and exclaimed that they did not want to inadvertently exclude anyone.

Mrs. Belcher agreed, and thought it could lead to a second workshop in the future. This first workshop would give an indication of what the interest is, and introduce some strategies that could be incorporated into the Master Plan. It would ensure that the Master Plan would be written towards the future, and not just for the present. Mr. Mazur stated that it was a large topic, and that they needed to start moving forward.

Mr. Steltzer will check with Mr. Epstein to ascertain how long his presentation was and if it would fit into the timeframe of the workshop. He agreed the primary reason for the workshop was to discuss agriculture and what is going on in East Kingston at the present time, and the visioning portion would need time to make sure everyone was heard. Mr. Day stated he would not prevent anyone from speaking on how to preserve the environment, since it ties in with the current conservation efforts of East Kingston. Mrs. Belcher thought it would be beneficial if one or two subcommittees could be identified at the workshop; perhaps one focused on energy and another focused on agriculture.

Mr. Morales offered that the Carbon Coalition group would be a good fit for the energy element of the workshop, and thought they could help bring the issue to the level of awareness that the community would understand, and would fit in with what the Board was trying to achieve. Mr. Steltzer reported that the RPC would be conducting a Land Use Forum Workshop on June 7, and energy issues would be covered at that workshop.

Rules of Procedure. Mr. Day referred to the copies of the *Rules of Procedure* that had been distributed to the Board members. In reviewing the rules, he had realized that they stated that Chairman/Vice Chairman elections would be conducted in March. The appointments run through the end of March and elections were held in April. As the elections were conducted in April, he made the change to reflect the correct month.

While reviewing the Rules of Procedure, Mr. Morales stated that in Article III, he had changed the word *elected* to *appointed*, as he thought of it as more an appointed than an elected position. He knew that the Planning Board was appointed, so the term elected confused him. Mr. Day stated that the language came from an RSA, and Mrs. Belcher offered that RSA 673.9 states: *I. The term of every officer and chairperson elected by a local land use board shall be for one year. Both the chairperson and officers shall be eligible for re-election.*

Mr. Morales stated that later on within the Rules of Procedure, it stated that memberships were appointed, and Mr. Day stated that was correct, in East Kingston the members of the Planning Board are appointed by the Selectmen.

Mr. Day stated that he had some concerns with the rules as they were:

1. Election cycle – he suggested the Board’s elections mirror the member appointment cycle.
2. Recording Secretary – he felt the full position description would be useful and suggested adding it.

The Board members agreed with his change recommendations and suggestion that a public hearing on the Rules of Procedure be held in May.

OEP Conference. Mr. Day announced that Mr. Morales, Mr. Caron, Mr. Sullivan and he would be attending the OEP Conference on April 28th.

Minutes. Board members ascertained they had reviewed the most recent version of the minutes. Mr. Day entertained a motion to approve the 15 March 07 minutes.

MOTION: Mrs. Belcher **MOVED** the Planning Board approve the 15 March 07 minutes as presented. Mr. Caron seconded, and the motion passed unanimously.

PUBLIC HEARING FOR A LOT LINE ADJUSTMENT BETWEEN KATHLEEN AND CHARLES FORD, 13 DEPOT ROAD, (MBLS 9-3-4 & 9-3-10) AND JANET AND WILLIAM DAMSELL, 39 DEPOT ROAD (MBL 9-3-9) (EKPB #07-01).

Mr. Day opened the Public Hearing.

For the applicant, Mr. Dennis Quintal, Civil Construction.

Mr. Quintal distributed a color-coded outline drawing of the changes made to the lot lines. He summarized that the encroachment of the existing garage had been discussed, and the solution to that problem had been a lot line adjustment between the Fords and the Damsells. Mr. Quintal showed the position/location of the existing lots and the location/addition of the new property from the Damsells, and then explained that the newly configured two lots made for a better lot line arrangement. There were now two lots; lot 9-3-4, which include the Ford's residence at 13 Depot Road, and lot 9-3-10, which is 5 Depot Road within the commercial zone. Both lots meet all zoning requirements.

Mr. Day entertained a motion to invoke jurisdiction.

MOTION: Mrs. Belcher **MOVED** the Planning Board invoke jurisdiction on the lot line adjustment application of Charles & Kathleen Ford and Janet & William Damsell, MBLs 9-3-10, 9-3-9 and 9-3-4 (EKPB #07-01). Mr. Caron seconded, and the motion passed unanimously.

Mr. Day informed the applicant that the 65-day clock was ticking.

Mrs. Belcher inquired if the Fords had considered an easement for access to lot 9-3-4. Mr. Quintal offered that they would not need to do this until they sold the lot, before the deed was transferred.

Mr. Day opened the floor to abutters; there being none, he closed the floor.

Mr. Day referred to proposed conditions for approval:

1. certificate of monumentation reflecting granite/concrete bounds properly set signed by the Building Inspector;
2. correct and complete lot line depictions for newly created lots;
3. submit a mylar of the final plan with all required engineering stamps and signatures, together with a full-sized and 11x17 paper copy, to the Planning Board for chairman signature and recording; and
4. all outstanding or future fees and charges due to the Town in conjunction with the site plan, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Planner, Building Inspector, and Fire Department, and administrative costs incurred by the Town to be fully discharged.

There being no further Board discussion, Mr. Day entertained a motion for conditional approval.

MOTION: Mr. Caron **MOVED** the Planning Board to grant conditional approval to Kathleen and Charles Ford and Janet and William Damsell for a lot line adjustment involving MBLs 9-3-4, 9-3-9, & 9-3-10 with the conditions described. Mr. Smith seconded, and the motion passed unanimously.

The Fords, Mrs. Damsell and Mr. Quintal thanked the Board for their time.

Mr. Day closed the hearing.

Continued Board Business

Glenn Clark Declaration of Covenants and Restrictions Excerpts. Mr. Day noted that the condition of approval regarding the covenants and restrictions had not been completed because Mr. Clark did not want to be considered a part of the subdivision. This creates a problem as his entire property acreage was used to calculate densities and to execute the cluster subdivision plan, and his request to remain outside the covenants and restrictions was not addressed by the Board. When the question came to Mr. Day, he posed it to Town Counsel who proposed language for Article I, Property Description, which would exempt Mr. Clark from the restrictions of the covenants, but not the responsibilities of being a part of the subdivision. He would share in the tax burden associated with the open space and be considered a part of the subdivision, but exempted from the restrictions such as keeping horses and chickens, etc. Mr. Day thought it satisfactory as presented. If, as originally proposed, Mr. Clark did not want to be a part of the covenants and restrictions in any way, then the entire process the Planning Board had gone through so far for the subdivision was flawed from the beginning.

Mr. Day indicated that the Planning Board is being asked to look at the language Atty. Beliveau proposed for Article I which would exempt Mr. Clark from the agricultural review committee requirements. The Board could then decide whether or not it agrees with that language.

Atty. Beliveau offered the following language: “*Notwithstanding the foregoing, Lot 10-4-8-9 on the plan shall not be subject to Article IV or V herein, but shall remain subject to all other provisions of this Declaration and all applicable Town of East Kingston Building and land use regulations.*” Article IV is *Architectural Review Committee* and Article V is *Use Restrictions*.

Mr. Day informed the Board that he was advised by Counsel it was acceptable to discuss this matter outside the forum of a public hearing since it was an administrative issue. He also informed the Board that the plans for the subdivision have not been recorded as of yet since the letters of credit and the covenants and restrictions were not in place.

Mr. Donald asked if a paragraph was going to be added exempting Mr. Clark from the covenants and restrictions, and Mr. Day answered that that was covered in the sentence Atty. Beliveau suggested for Article I.

Mrs. Belcher wondered what was left for Mr. Clark to comply with in Article IV and V that he needed to be exempted from. Mr. Day answered that Mr. Clark would still be a part of the open space in common. She then asked if Mr. Day had the entire version of the covenants and restrictions, and Mr. Day answered that he did, but not there with him tonight. .

Mr. Day reviewed from the Covenants and Restrictions that “*the main function of the architectural review committee is to review, approve or reject plans for construction and landscaping, improvements, and supervise and enforce this Declaration, and to serve in such other capacity as it is consistent with the provisions of this Declaration.*”

Use Restrictions, ¶ 2 – Building, Structures, etc. reads “*No building, barn, temporary building, guest house, major alteration or addition, non-conforming wall or fence, or any structure ... shall be constructed on any portion of the property ... unless approved in writing by the Declarant (the Architectural Review Committee).*” This is understood to mean if Mr. Clark wanted to build a barn on his property, he would not have to go through the architectural review committee of the subdivision.

Mr. Morales noted that this could be the next thing to come before either the Planning Board or the Board of Selectmen when the other residents do not read and understand their covenants and restrictions. Mr. Day observed that it would be a civil issue. Mr. Day reflected that the initial reasoning for covenants was to preserve the open space.

Mr. Donald stated that since Mr. Clark’s property was part of the subdivision, even though he has 5 acres, he would not be able to further subdivide. Wouldn’t that take care of the density and the open space? Mr. Clark would be paying a portion of the taxes on the open space and could not further subdivide. Another house could not be built on the property since it is a single lot.

Mr. Ford asked to be recognized. His question was what if Mr. Clark wanted to build a house for his child on the property in a hardship case? Mr. Day answered that he would not be able to do that. Mr. Morales added that Mr. Clark could build a mother-in-law apartment or make his house into a duplex if he so desired.

Mrs. Belcher commented she did not think it was equitable that Mr. Clark would receive all the benefits of the development and open space, but not need to conform to the covenants and restrictions just like everyone else. Mr. Donald noted that since no lots have been sold yet, it was not like the rules had been changed after the fact. This is being established before anyone bought land. Dr. Marston stated buyers should read the covenants before they buy land.

Mr. Day concluded that he would ask Atty. Beliveau to make the proposed change to the covenants and restrictions.

CONTINUED PUBLIC HEARING FOR SITE PLAN OF KATHLEEN AND CHARLES FORD, 5 DEPOT ROAD, EAST KINGSTON, MBL 09-03-04, (EKPB #06-OD) FOR A BUSINESS UTILIZING PRE-MADE STORAGE UNITS IN THE COMMERCIAL DISTRICT.

Mr. Day opened the public hearing.

For the applicant, Mr. Dennis Quintal, Civil Construction.

Mr. Quintal stated the application before the Board was the same as previously presented, but now showed the new lot lines. He reviewed that the storage units were trailer boxes with garage doors that would be set upon the ground, with no excavation needed. After the lot line adjustment, the rear set back line has moved and they have added another 8 storage units on the plan, for a total of 48 proposed units. The exact number they would be installing at the beginning has not been determined, but there was potential for 48 units in all.

Mr. Quintal stated that the fence was shown on the plan, as discussed at the last meeting. Mr. Day asked how high the fence would be, as he could not find that notation on the plan. Mr. Ford offered that there had been discussion about the height of the fence and that they had not come to any definite conclusion. He was reluctant to install a fence higher than six feet lest it look like a prison detention yard. Mr. Morales asked if six feet was high enough in light of the proximity of the railroad tracks, and Mr. Ford stated he thought it was high enough; Mr. Sullivan agreed.

Mr. Morales enquired if Mr. Ford thought a six-foot fence was high enough to protect the property of those storing their belongings in the storage units. Mr. Ford answered he had visited a few storage facilities in the area, and they all had fences no higher than six feet around them. In fact, in one case, there was no fence at all; just a row of trees as a border.

Mr. Quintal reviewed that another concern from the last meeting was the encroachment issue of the existing garage and the deeds, and those issues are now satisfied by the lot line adjustment.

Mr. Quintal stated that the only other issue discussed was the lease agreement, and he had provided a copy of a lease agreement to Mr. Day. Mr. Day reiterated that the Board was concerned with potential garage sales and storage of hazardous/flammable materials. Mr. Quintal stated that they would add that verbiage to the lease.

Mr. Morales asked if there was to be any outside storage of vehicles or boats, and Mr. Ford stated there would be no outside storage of any kind. If someone wanted to store a car or a boat in one of the units, as long as they could fit it inside and it had no fuel in it, that would be acceptable. He stated that would be listed on the back of the lease. Mrs. Ford stated that not storing hazardous materials would be stated on the back of the lease, but that those materials would not be itemized since the list would be too long and something could be missed.

Mr. Morales asked if the Fire Department had the right to inspect perceived hazardous materials? Mr. Day stated that was covered by #3 on the plan, which states that the Fire Department shall be allowed periodic inspections of the site.

Mrs. Belcher thanked Fords and stated that as a Board member, she appreciated the effort the Ford's had gone through to complete this application correctly and take the advice of the Planning Board. Mr. Day agreed that it made the Planning Board's job a lot easier.

Mr. Day inquired if the lot lines for lot 9-3-4 would be depicted in their entirety as they are shown on the plan now without a rear and side lot line. Mr. Quintal agreed to show the lot lines.

Mr. Day opened the floor to abutters; there being none, he closed the floor to abutters.

Mr. Steltzer had a question in regard to the proposed chain link fence and the new Town Center ordinance. The ordinance stated that chain link fences were not allowed, but did state that in an overlying zone, the lesser strict laws would apply. Fences of that type are allowed in commercial zones. Mr. Morales stated that in this case, the commercial zone laws would apply, and Mr. Day added that Mr. Ford's application was in before the Town Center District ordinance was passed.

Mr. Day went over the conditions for approval.

1. A copy of the Ford/occupant lease agreement to be provided for Planning Board and Fire Department review.
2. A notation on the final site plan stating the height of the security fence to be not less than 6 feet high.
3. A final mylar with all required engineering stamps and signatures, together with a full-sized and 11x17 paper copy, to the Planning Board for chairman signature and recording.
4. All outstanding or future fees and charges due to the Town in conjunction with the site plan, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Planning, Building Inspector, and Fire Department, and administrative costs incurred by the Town to be fully discharged.

Mr. Day entertained a motion for conditional approval.

MOTION: Mrs. Belcher **MOVED** the Planning Board conditionally approve the site plan review of Kathleen and Charles Ford (MBL 9-3-10) as presented with conditions stated. Mr. Caron seconded, and the motion passed unanimously.

Mr. Day closed the hearing.

CONTINUED BOARD BUSINESS

Mr. Steltzer reported that Roxanne at the RPC was working on the Ordinance books, but due to personal problems, the completion had been delayed.

PUBLIC HEARING – PROPOSED HOME OCCUPATION FOR PETER RIDABOCK, 65 DEPOT ROAD (MBL 9-4-8), INVOLVING GLASS BLOWING.

Mr. Day opened the public hearing.

As the Board members were seeing the paperwork pertaining to the application for the first time, there was a delay while they reviewed the information. In the meantime, Mr. Day informed the Board members that the location of this proposed home occupation was Harry Lindsey's old house at 65 Depot Road.

Mr. Day reviewed the concept of home occupations as intending to allow commercial activity in a residential zone. In order to do that, and not have a residential area look like a commercial area, there were restrictive caveats. In 1989, the Board put together a list of permitted uses, which includes: medical and dental offices; other professional offices (including lawyer, engineer, architect); tailor or seamstress; artist or musician; day care; bookkeepers, accountants and secretarial services; real estate and insurance officers; beauticians and barbers; art, craft, hobby and antique shops; and occupations not listed above of a similar nature, if the Board of Selectmen find the occupation meets the provisions of the Home Occupation ordinance.

Mr. Day informed the applicant that his request for home occupation permit needed to fall into one of the above listed categories. He also reviewed that there were standards by which a home occupation must conform that include: being located within a dwelling unit or accessory building; only displaying a permitted sign; having only one commercial vehicle not housed in a garage; providing adequate off-street parking; business being conducted by the resident; not emitting smoke, dust, odor, noise, gas, fumes, lights or refuse matter; not creating hazardous traffic conditions; not utilizing more than 25% of the gross floor area (50% if located on a state road); and having not more than 2 non-resident employees (4 if located on a state road). Mr. Day ascertained that Mr. Ridabock residence is located on a state road.

Mr. Day recognized Messrs. Peter and Harry (Win) Ridabock, who were brothers. Harry Ridabock owned the premises in question and Peter Ridabock lived in the house. Mr. Day reviewed the application, stating Mr. Peter Ridabock was proposing to conduct a glass blowing business. His application stated he would be operating a glass-melting kiln, would have one van, was proposing operating hours of 10-4 M-F, and 5-6 parking areas will be provided on the premises.

There was discussion about the area allowed for the home occupation, as Mr. Ridabock had only listed the square footage for the house for the calculation and not the garage and accessory buildings. After adding the footage for those buildings, it was ascertained that the true square footage was 3,943 sf. Therefore, it was determined that Mr. Ridabock's suggested square footage of between 600 and 1000 feet for his shop was well within the guidelines of the home occupation ordinance.

Mr. Day asked Mr. Peter Ridabock to describe his operation to the Board. Mr. Ridabock described himself as a glass blower and explained that he made vases, bowls and decorative glass art objects. Currently, he has a shop in Salisbury and has a glass furnace and an electric oven.

Mrs. Belcher asked if he would continue displaying his art glass in Salisbury, or if he intended on displaying at the new location. Mr. Harry Ridabock stated that one of the reasons he was before the Board was to find out what types of activities would be permitted.

Mr. Donald asked if there would be some special considerations made for the installation of the equipment. Mr. Morales asked if the gases emitted included silicon dioxide, and inquired where the vented gases would go. Mr. Peter Ridabock stated he had had a studio in Newburyport for 5 years at the Tannery and had had two tests done for carbon gases, and the report of findings were negative. He also noted his attendance at two meetings in Boston for plumbers and pipe fitters to get approval for his blackline operation. He stated he had that letter of approval with him if the Board members needed to see it. Mr. Peter Ridabock said the closest thing to which he could compare his operation was a pottery studio. He stated that wood-burning stoves emitted more gases than his electric oven would.

Fire Chief Mazur inquired if Mr. Ridabock would be using oil or gas for his fuel, and Mr. Peter Ridabock stated that he would use propane gas. Mr. Mazur stated that since Mr. Ridabock was using propane, it was a cleaner gas to burn from the start.

Mrs. Belcher asked what type of chemicals Mr. Ridabock would be using and how he intended on storing them, and he explained that he would use no chemicals other than what was in the glass itself. He buys his glass in bulk and it is pelletized so there is no glass dust, and he purchases his colors in the form of solid glass rods.

Mrs. Belcher asked if Mr. Ridabock intended on having a shop at the location, and he answered that he had considered it. Mrs. Belcher suggested that Mr. Ridabock plan for 5 years down the road and that if he wanted a shop, he should ask for it now instead of having to come back before the Board. Mr. Ridabock stated he had considered running retail out of his house, but was not sure. He exhibits his glass art at shows and galleries all over the country, and does not do a lot of retail at the present time. He stated would like to have the option for an open house/open studio occasionally and would maybe sell some art glass at that time. Mr. Caron asked if he was intending to offer glass blowing classes and workshops, and Mr. Ridabock stated he would like to have the option of being able to do so.

Mr. Morales asked how many cars could be parked in the driveway, and Mr. Ridabock stated he thought there was room for 6 cars. Mr. Morales asked if Mr. Ridabock needed to conform to the Town Center District rules, and Mr. Day explained that his property was not in the District.

Mr. Day explained to Messrs. Ridabock that the Planning Board does not approve or disapprove the application for home occupation, but rather, the Board evaluates it for the Board of Selectmen, recommending to the Selectmen whether or not to grant a home occupation permit. The Board does not make a formal motion to approve or disapprove. Mr. Day stated that the Ridabocks would also need to apply to the selectman for a sign.

Mrs. Belcher asked what type of noise the glass blowing would make that she could compare it to so she could identify it, and Mr. Ridabock stated that unless you came inside the studio, you would not hear any noise. Mr. Mazur offered it would be similar to the noise of a wood stove, and Mr. Ridabock agreed.

Mrs. Belcher stated that on page two of the Home Occupation Permit Application, none of the items under the checklist had been checked off. Mr. Day went over each of the items and checked them off one by one. He reminded them that there was no parking allowed on the street.

Mr. Day opened the floor to abutters; there being none, he closed the floor to abutters.

Mr. Day stated that the Board needed to ascertain if the request fit into a home occupation category. It was agreed upon that the #9 arts/crafts/hobby category fit the application.

Mr. Day asked Fire Chief Mazur to speak about the Fire Department involvement. Fire Chief Mazur stated that the Fire Department would conduct an air quality test and a fire inspection of the premises on an annual basis. Installation of the furnace or electric appliances would need to be inspected and reviewed by the Fire Chief and the Building Inspector before installation, and working smoke detectors would need to be installed.

In reviewing the application, Mr. Ridabock made two changes. He would like the hours of operation to be Monday through Saturday 10:00 am to 4:00 pm, and he would like to be open one week day evening from 5:00 pm to 8:00 pm.

Mr. Day reviewed that Mr. Peter Ridabock was applying for a glass blowing business with classes offered, as well as provision for a future retail shop. He noted that no chemicals shall be stored on the premises, and the applicant intends to enquire with the Selectmen regarding a business sign.

The following stipulations apply:

- 1- An annual fire inspection of the premises and air quality test to be conducted by the East Kingston Fire Department.
- 2- Working smoke detectors shall be installed on the premises.
- 3- Any and all installation of furnaces or electrical appliances shall be inspected by the Fire Department and the Building Inspector.
- 4- Any change in the nature of the business, its scope, or number of employees, shall be reviewed by the Planning Board for approval by the Board of Selectmen.

Mr. Caron suggested that Mr. Peter Ridabock get on the Selectmen's agenda for the next meeting on April 30th. Mr. Donald explained that only Peter Ridabock needed to attend since he was the resident. Mrs. Belcher clarified that the Planning Board was charged with reviewing the application to make sure it met all the criteria, but the Board of Selectmen would have the final say. The applicant should be present at the Selectmen's meeting in case they had any questions, and to discuss the permit since it was their first time.

Mr. Day entertained a motion that the Planning Board recommend approval of this application for a home occupation permit with the caveats noted to the Selectmen.

MOTION: Mr. Caron **MOVED** the Planning Board recommend to the Selectmen the home occupation application of Mr. Peter Ridabock for a glass blowing business at 65 Depot Road be approved. Dr. Marston seconded, and the motion passed unanimously.

Mr. Day informed Mr. Ridabock that Selectmen's meetings are held at the Town Offices building at 24 Depot Road.

Messer's Ridabock thanked the Board for their time.

Mr. Day closed the hearing.

CONTINUED BOARD BUSINESS

Mr. Day informed the Board that he would not be in attendance at the May meeting, and that Vice Chairman Belcher would chair the meeting.

Mrs. Belcher offered that since the only item on the agenda would be the Rules of Procedure, it could wait until June when Mr. Day would be back. Mr. Day indicated that the Board was statutorily required to meet once a month. He noted, however, that he would be back in time for the Master Plan Agricultural Chapter Workshop on May 19th.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Planning Board adjourn. Mrs. Belcher seconded, and the motion carried unanimously at 9:20 pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

James R. Day, Jr.
Chairman

Minutes approved May 17, 2007