



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2013-2014  
Joe Cacciatore, *Chairman*  
Dr. Robert Marston, *Vice Chairman*

**MINUTES**  
Regular Meeting 16 May 2013  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Public Hearing** for a Change of Use for Larry and Karen Bean, involving 4 Powwow River Road (MBL 10-02-10) for a vehicle restoration business.
- ◆ **Public Hearing** for Amended Site Plan /Change of Use Review for Erin Kearney to operate a daycare at 14 Powwow River Road, MBL 10-03-09.
- ◆ **Public Hearing** for Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09.
- ◆ **Continued Public Hearing** for Subdivision Review for proposed 4-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.

**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. C. Delling and Ex-Officio Mr. R. Morales.

**Advisors present:** Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche, East Kingston Building Inspector Mr. J. Moreau, Assistant Building Inspector Mr. T. Welch, and East Kingston Fire Chief Mr. E. Warren.

**Others Present:** Applicants Larry Bean, Rick Stangman, Patrick Warnecke; Applicant Erin Kearney, Mr. & Mrs. Kearney; Applicant Brad Jamieson and his representative Mr. Dennis Quintal, Licensed Professional Engineer.

**Board Business**

**Minutes**

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

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

Mr. Cacciatore made an announcement that the Continued Public Hearing for Subdivision Review for proposed 4-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC has been postponed until the June 20th meeting, and will also be held at the Town Hall. Abutters attending for that public hearing left the meeting hall.

**Public Hearing for a Change of Use for Larry and Karen Bean, involving 4 Powwow River Road (MBL 10-02-10) for a vehicle restoration business.**

Mr. Cacciatore opened this public hearing and invited Mr. Bean, Mr. Stangman and Mr. Warnecke to present their intentions to the Board.

Mr. Bean explained his building was located in the commercial district on 4 Powwow River Road and he wished to lease space to Mr. Warnecke and Mr. Stangman. They operate a factory warranty restoration business in Newburyport dba Dylanger's at the present time, and this would be a satellite location of their existing business. They would have up to 4 vehicles (work in progress) at any one time and their average completion was 1 vehicle per month.

Mr. Stangman and Mr. Warnecke explained there would be little or no traffic flow, low impact and necessitate four outside parking spaces. It would be only Mr. Stangman and Mr. Warnecke and they are requesting operating hours of 7:00 am to 8:00 pm, Monday through Sunday. The only additional exterior lighting would be a light on a motion sensor over the door the same as the other units. A waste and refuse disposal company will handle any waste from the business.

Chief Warren asked about the storage of any hazardous materials; Mr. Warnecke explained they had approximately one gallon of wax and degreaser, one gallon lacquer thinner, and some spray cans. Chief Warren noted the hazardous materials are to be stored in a safe locker and requested MSDS sheets to go with any chemicals they might have on premises for the Fire Department records. He also noted there would be a required annual fire inspection included in the conditions of approval.

Ms. LaBranche asked what unit they would be located in; Mr. Bean indicated it would be Unit B. Ms. LaBranche suggested the unit number be included on the application; it was added.

Ms. LaBranche asked if their sign would be added to the existing sign; Mr. Warnecke indicated they would have no sign other than a small one above the door. Mr. Bean explained the existing sign Ms. LaBranche referred to was a temporary sign for the woodworking business only. The larger approved sign for the location with all the tenants listed had not been constructed yet.

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

Mr. Cacciatore read a list of items from Article V. E. of the Zoning Ordinance to be considered by the Planning Board for a site plan; a copy of this list is attached to the minutes. The list includes hazardous effects, odor, gasses, dust and smoke, heat and glare, exterior lighting, noise, vibration, radiation, waste disposal and storage. Mr. Warnecke and Mr. Strangman noted that none of the items applied to what they were proposing; a copy of this list was provided to Mr. Warnecke and Mr. Strangman for their files.

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

**MOTION:** Mr. Bath **MOVED** to approve the change of use for Mr. Bean's property located at 4 Powwow River Road, Unit B, for Mr. Warnecke and Mr. Strangman dba as Dylanger's with hours of 7:00am-8pm, Monday-Sunday and the requirement of an annual fire inspection. Mr. Morales seconded; the vote passed unanimously.

Mr. Cacciatore closed the public hearing. Mr. Bean, Mr. Warnecke and Mr. Strangman thanked the Board for their time.

Mrs. White indicated she would send a copy of the decision to Mr. Bean, Mr. Warnecke and Mr. Strangman

**Public Hearing for Amended Site Plan /Change of Use Review for Erin Kearney to operate a daycare at 14 Powwow River Road, MBL 10-03-09.**

Mr. Cacciatore invited Ms. Kearney to the front to explain her change of use. Ms. Kearney noted that the only change from her original application to the Planning Board was the nature of her business, changing from Kid Logic Preschool to Kid Logic Daycare. She would still accommodate children from ages 1-6 and no after school.

Chief Warren noted that after walking through the location with Mr. Jamieson, he had suggested Ms. Kearney change her request from a preschool to a daycare as the codes for a daycare were much less restrictive. The location, at the present time, more than meets the requirements for a daycare.

As Ms. Kearney had been before the Board before and had received a Decision for her preschool, the only change at the present time was the name/type of business.

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

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

**MOTION:** Mr. Bath **MOVED** to approve the change of use for Erin Kearney from a preschool to a day care dba as Kid Logic. Mr. Morales seconded; the vote passed unanimously.

Mr. Cacciatore closed the public hearing. Ms. Kearney thanked the Board for their time.

Mrs. White indicated she would send a copy of the new decision to Ms. Kearney and Mr. Jamieson.

**Public Hearing for Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09.**

Mr. Jamieson's representative, Mr. Dennis Quintal was in attendance and presented the amended site plan to the Board. Mr. Quintal had verified the monumentation and wetlands at the rear of the property and they are indicated on the plan. Mr. Jamieson has been fixing up the existing two buildings for commercial use; the westerly building is rented as a winery.

Sheet 1 shows the greenhouse and koi pond with stone walkways in the front of the property, and the subsurface tank to hold water for the greenhouse. Drainage patterns for the area stayed mostly the same, as there were minimal structural changes to the building on the outside and large storm events would not affect the existing drainage. Roof run-off would go into the drywell at the southwest corner of the building.

Mr. Quintal has ascertained post-development run-off equal to pre-development run-off. Any run-off would go through a treatment system for filtering before it reached the swale. The parking lot drains across to the sediment basin to a bio-detention area.

There was a grease trap added for waste from the butcher shop to the septic tank. This amended site plan also shows a proposed 24 x 30 maintenance shed for equipment (for lawn maintenance and snow removal), and a proposed 24' x 34' greenhouse to supply plants for the main greenhouse in front. The rear of the property is gravel and sparsely vegetated. There is an existing pile of loam Mr. Jamieson would like to spread at the rear and the west side of the building, and he would also like to add a swale to control drainage. All these areas would be seeded to minimize run-off. Snow storage would also be located at the rear of the building.

The plan shows the driveway entrance with abutments for a single entrance and the deceleration lane. The sign is also installed at the entrance abutment.

Sheet 2 shows detail of the cross-section of the bio-retention area, the silt-fence erosion control detail, and the signs.

Mr. Morales asked how deep the koi pond was as he had concerns regarding the children from the day care. Mr. Jamieson indicated it was 36" deep. Mr. Quintal and Mr. Jamieson noted the pick-up and drop-off for the children was to the rear of the building.

Chief Warren emphasized that Mr. Jamieson has always been accommodating to any recommendations he had regarding the site.

Ms. LaBranche had written a letter addressing the amended site plan being presented, and provided a copy of that letter and the original letter to the Planning Board regarding Mr. Jamieson's Compliance Review to the Board members. A copy of both letters is attached to these minutes.

Ms. LaBranche reviewed the items that should be included on the revised site plan and/or provided to the Planning Board for the file:

- 1.a. - Stormwater calculations, capacity and design of proposed bio-retention area for main building.
- 1.b. - An Erosion and Sedimentation Control Plan and stormwater management calculations for the proposed sunroom, equipment shed and greenhouse at the rear of the site.
- 1.c. - An arrow indicating outfall for the coy pond.
2. Verification statement of removal of first floor toilet in building B. Mr. Jamieson noted that the toilet in the winery has been removed as requested.
3. A copy of the NHDES Subsurface Disposal permit, and an evaluation of the capacity of the system for each prospective tenant when a change-in-use application is made.
4. Sufficient documentation to verify the number of full-time employees complies with the NHDES approval for the drinking water support well.
5. Pre- and post-inspection of the bio-retention area by the Town Engineer.
6. Location and boundary inspections of the proposed sunroom, equipment shed/workshop and greenhouse by the Building Inspector.

Ms. LaBranche explained since this was the first engineered plan the Board has seen for the site, and noting the proximity of the pond beyond the rear of the property, her recommendation was that documentation be provided for the file that the septic system is installed the proper distance from the wetlands on the adjacent property. The Board agreed they should have that documentation.

Mr. Jamieson noted the Engineer who installed the system carefully calculated the distances and informed Mr. Jamieson he would have to install the septic system 75' from the very poorly drained soils and 50' from poorly drained soils. He will provide a copy to the Board for the files.

Ms. LaBranche noted that Mr. Jamieson would be appearing before the Zoning Board for a Variable Waiver of Dimensional Requirements for the setbacks for his greenhouse on May 23rd. Mrs. White will provide a copy of the minutes and decision of the Zoning Board hearing to the Planning Board and for the file.

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

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

**MOTION:** Mr. Bath **MOVED** to continued this Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road until June 20th, at which time an updated site plan, stormwater management plan and DES paperwork will be provided . Mr. Morales seconded; the vote passed unanimously.

Mr. Cacciatore closed the public hearing. Mr. Jamieson and Mr. Quintal thanked the Board for their time.

## **Board Business**

### **Wetland Study Area Walk**

Ms. LaBranche noted that the wetlands area walk on May 4 went well, lasted about 2 hours, and was attended by a family and several children

### **Andrews Lane Properties**

Chief Warren noted there had been some resistance of meeting the code requirements for the proposed new construction at the Andrews Lane sites. The approved subdivision noted that the proposed dwellings would contain fire suppression sprinkler systems. The original property owner had chosen the sprinkler systems over the installation of a cistern, as the subdivision had created more than 2 new lots. The regulation also specifies that if a property is more than a certain distance from the nearest water source, a cistern or sprinkler system would be required. Chief Warren wanted to make sure he was interpreting the regulation correctly; the Board agreed he was.

### **Industrial Park Sign**

Mr. Bath inquired if any notification had been sent regarding the unapproved sign at the entrance to the Industrial Park; he opined the matter should not be overlooked.

Mrs. White offered the last time the Board discussed this matter, Ms. LaBranche checked the regulations and found that signs are under the purview of Code Enforcement and since there was no separate entity in charge of Code enforcement, it fell to the Selectmen.

Upon further discussion, it was decided the Planning Board would draft a letter to the property owner informing him of the violation of the sign ordinance and giving him a chance to rectify the situation with his tenant before turning it over to code enforcement.

### **Recommendation for Change in Membership**

Mr. Cacciatore made a recommendation that Mr. Delling's appointment be changed from an alternate status to regular member status as there was an opening available. Mrs. White will draft a letter to the Selectmen.

### **Mr. Masone**

Mr. Quintal submitted to Mrs. White a revised site plan, stormwater maintenance agreement, and mylar for the light industrial park. Ms. LaBranche will review the paperwork next week to make sure everything necessary is included. If it is complete, it will then be signed by the Chairman and recorded.

## **ADJOURNMENT**

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

Mr. Cacciatore closed the meeting at 8:15 pm. The next Planning Board meeting will be on June 20.

Respectfully submitted,

### ***Barbara White***

Barbara A. White  
Planning Board Secretary

Ed Cacciatore  
Chairman

Minutes approved June 20, 2013