



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2016-2017
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 19 May 2016
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Continued Public Hearing** for Subdivision Application for APEX Realty Trust, Florian Kozinczak, 136 North Road (MBL 16-03-08) for a 3 lot subdivision. EK PB 16-02
- ◆ **Public Hearing for Lot Line Adjustment** for K. Monique and Richard Martell, Kenridge Farms, 285 North Haverhill Road, Kensington, NH for MBLs 16-04-08 and 16-04-12 located in East Kingston. (EK PB 16-01)
- ◆ **Discussion** with Brad Tardugno re: Used Car sales at 17 Haverhill Road.

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

Members Present: Vice Chairman Dr. R. Marston, Mr. J. Bath, Mr. C. Delling, Mr. B. Caswell. Chairman Joe Cacciatore and Ex-Officio Ms. E. Pettinato were excused.

Advisors present: Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche, East Kingston Building Inspector Mr. John Moreau, East Kingston Assistant Building Inspector Mr. Tom Welch, East Kingston Conservation Chairman Dennis Quintal.

Also present: Mr. Florian Kozinczak (APEX Realty Trust), Mr. Robert Stowell P.E., L.L.S. (Tritech Eng. Corp.), Mr. and Mrs. Richard Martell, Brad and Neal Tardugno and several other attending residents.

Board Business

Dr. Marston opened the meeting at 7:00.

Continued Public Hearing for Subdivision Application for APEX Realty Trust, Florian Kozinczak, 136 North Road (MBL 16-03-08) for a 3 lot subdivision. EK PB 16-02

Dr. Marston invited Mr. Stowell to explain the changes made to the subdivision plan since the last Planning Board meeting. Mr. Stowell went over the points that were revised since the April hearing. He noted they had resubmitted a new plan set on May 11.

1. The Board had concerns with the lots being narrower than 125'. They had discussed whether they would ask for a waiver or redraw the lot lines. *The plan has been revised so the proposed lots are no narrower than 125' in accordance with Section VII of the Subdivision Regulations.*
2. Section VII.F. of the Subdivision Regulations requires each lot to have their own driveway access. *As the state will only allow one more driveway cut for the lot(s), APEX has submitted a Waiver Request for*

a shared driveway for lots between lots 3-8 and 3-14. The easement will be shown on the plan and the easement language will be reviewed by the planner as a condition of approval. Upon the sale of a lot, the easement would be recorded as part of that deed.

3. Section VII.10. of the Subdivision Regulations requires that there be two test pits 50' apart. *Sheet S-2 has been revised to show the test pits 50' apart.*
4. The Board requested monuments to be shown every 200 feet on the plan. *Plans have been revised with additional rebars set on the longer lines.*
5. *All required lots numbers have been received from the Selectmen's Office and corrected on the plans.*
6. *Sheet S-1 will be corrected to show all appropriate setbacks, and S-2 will identify the 50' leach field setback.*
7. *The misspelled abutters name has been corrected.*
8. *The percolation test was witnessed by the Building Inspector on May 10 and the locations are shown on the plans. Results of the percolation test are attached to the submitted packet of information.*
9. The Planning Board decided a site walk was necessary. *A Site Walk was conducted on April 28.*
10. The Planning Board voted to have RCCD conduct a review of the wetlands mapping to corroborate the findings. *RCCD Representative Mike Cuomo inspected the wetlands mapping on May 10, along with the Building Inspector and the Town Engineer. Mr. Cuomo concluded the boundaries previously identified by Mr. Mariano were accurate.*
In his report, Mr. Cuomo noted that "the intent of Zoning VII.7.a.6 does not appear to be met as the proposed house is 15' down slope of the disposal area and interrupts the receiving layer so it will be less than the required 35 feet". *A revised septic system plan was submitted to RCCD for review, and they acknowledged the revised plan now meets the intent of Zoning VII.7.b.*
11. **The** *location and distance to the nearest fire suppression water source from each of the lot boundaries was added to the plan.*

Mr. Stowell noted at the last meeting they had received their state subdivision approval, and since then they have received the driveway permit from DOT.

Mr. Bath asked about the driveway permit from the state and the driveway easement. Mr. Stowell noted the state permit is permission for the driveway cut. The easement is an access easement to allow a common drive and to allow the abutting landowners to have access over the lot for the shared drive. It will be shown on the plan and upon the sale of a lot, the easement would be recorded as part of that deed.

Ms. LaBranche asked that a note be included on the plan in reference to the driveway easement for the two lots.

Mr. Caswell asked what the maximum for the perc test is. Mr. Stowell explained the state uses 60 minutes as a maximum, but the average is 13-20.

Dr. Marston asked if there were any abutters present; there were none present.

Dr. Marston asked for the **MOTION** on the Waiver Request for the shared driveway.

Mr. Bath **MOVED** to approve the Waiver Request from Subdivision Regulation VII.F. for the shared driveway for APEX Realty Trust, 136 North Road (MBL 16-03-08) between lots 3-8 and 3-14;
Mr. Delling seconded. Approval was unanimous.

Mr. Quintal noted the property line intersects the 4,000 sf suitable area for septic system on Sheet S-2 on lot 3-14. *Mr. Stowell will adjust it to meet the 20' setback from the property line.*

Ms. LaBranche reviewed the conditions to be included with the approval:

- A note will be added on Sheet S-1 regarding the easement between lots 3-8 and 3-14 and that it will be recorded upon transfer of the property;
- a minor revision to Sheet S-2 will be added to adjust the septic reserve area on lot 3-14 to reflect the 20' setback;
- the 75' wetland leach field setback on lot 3-15 will be adjusted to correctly read 50' on all applicable sheets;
- a Certification of Monumentation signed by the East Kingston Building Inspector reflecting granite/concrete bounds and markers are properly set will be received;
- a final mylar with all required engineering stamps and signatures will be provided for Planning Board Chairman signature and recording;
- all outstanding fees due to the Town will be fully discharged.

Dr. Marston asked for a **MOTION**.

Mr. Bath **MOVED** to approve the 3-lot subdivision for APEX Realty Trust, 136 North Road (MBL 16-03-08) EK PB 16-02 with the above listed conditions; Mr. Delling seconded. Approval was unanimous.

Mr. Stowell thanked the Board. He will supply a finalized copy the plan to Ms. LaBranche for review, and when approved provide the mylar to the Selectmen's Office for recording.

Dr. Marston closed the public hearing.

Public Hearing for Lot Line Adjustment for K. Monique and Richard Martell, Kenridge Farms, 285 North Haverhill Road, Kensington, NH for MBLs 16-04-08 and 16-04-12 located in East Kingston. (EK PB 16-01)

Dr. Marston opened this public hearing and invited the Martells to explain why they were before the Board.

Mrs. Martell explained that the small triangle of land (.003ac) was needed in 2000-2001 to meet frontage requirements to create the existing lot. At the present time there are 3 separate lots; two are in Kensington and one is on East Kingston. She would like to add the .003ac piece to the East Kingston property as she will no longer need it for frontage in Kensington after merging her two other lots into one.

Ms. LaBranche noted as she is also the Circuit Rider in Kensington, she has been working with the Martells on this plan for about 3 months and this is the first step in the process. They will then go to Kensington for the Voluntary Lot Merger and the sub-division of the separate lot. She explained the adjustment would make the Town boundary the lot line boundary for East Kingston. The goal for the Martells is to merge the two Kensington lots together and re-subdivide to create a separate lot to sell. The merger will allow all the existing buildings (the house and the out buildings) to be on the same lot. The Martells own all the property involved with the lot line adjustment.

Mr. Caswell asked what the total acreage will be for the lots; Mrs. Martell noted the combined lots would total approximately 15 acres and the newly created lot will be 3.9 acres.

Lori Lacey, abutter, asked why this was being done? Mrs. Martell explained she was doing a lot merger in Kensington and it would be easier to merge this small portion of land back with the East Kingston lot. It also enables the Town line to be the property line.

Mr. Quintal suggested a bearing be added to the small piece of land to make it consistent with the rest of the property, and the line would also need a monument. Ms. LaBranche explained Mr. Cote will need to note where all the granite bounds are on the plan.

Conditions of Approval are:

- add the bearing number for lot 16-4-12 along the 34' property line at the Town line;
- add a notation for the existing granite bound that is already in place;
- add the new monument at the new lot line; and
- final review of the plan by the Circuit Rider.

Dr. Marston asked for a **MOTION**.

Mr. Bath **MOVED** to approve the Lot Line Adjustment for K. Monique and Richard Martell, Kenridge Farms, 285 North Haverhill Road, Kensington, NH for MBLs 16-04-08 and 16-04-12 (EK PB 16-01) with the above conditions of approval; Mr. Delling seconded. Approval was unanimous.

Dr. Marston closed the public hearing.

Ms. LaBranche noted the surveyor for this plan is one of the last surveyors in the State of New Hampshire who hand draws his plans.

Mr. and Mrs. Martell thanked the Board for their time.

Discussion with Brad Tardugno re: Used Car sales at 17 Haverhill Road.

Dr. Marston invited Mr. Tardugno to explain to the Board what he wanted to do.

Mr. Tardugno explained he worked for someone else in Massachusetts at the present time but his ultimate goal was to purchase the property at 17 Haverhill Road, live in the house, and conduct a Used Cars Sales business at that location, which is zoned for commercial use.

The lease Mr. Keller provided to the Board is subject to approval for Mr. Tardugno to conduct his business at that location.

Mr. Caswell asked if they were intending on painting vehicles; Mr. Tardugno stated he was not. . Moreau noted the application states Mr. Tardugno would be repairing cars and trucks; Mr. Tardugno explained he would perform what repairs were necessary to make the vehicles road worthy such as brake jobs, tire replacement, oil changes, etc. Mostly basic maintenance and not rebuilding anything; no major engine replacements. He would buy cars, fix what needs to be fixed, and put them up for sale. He would also like to become a licensed inspection station also in the future.

Abutter Harold Carbonneau, 25 Haverhill Road, spoke in favor of Mr. Tardugno having his business at the location. He has seen the clean-up work he has accomplished to-date and notes everything looks much better now than it has in quite some time. He encouraged the Board to not give Mr. Tardugno a hard time about having his business there and approve him.

Mr. Bath asked about proposed signage; Mr. Tardugno noted there was an existing sign he would utilize.

Mr. Tardugno has done some research on the property and knows before it was rented out to tenants with approvals for 20 cars, when businesses were operated by the property owner (s) the amount of cars allowed was much higher than the 20 allowed to tenants. He stated he would need to be able to have permission for

40 cars to make the business viable for expenses to support both the house and the business. Only having permission for 20 cars would not support the house and the business.

The property owner, Mr. Keller, had provided a copy of the lease to purchase to the Board. Mr. Tardugno has a dumpster on location and has already filled it up with junk and refuse from the property. He is leasing the office space and bathroom on the lower level of the house, the single structure, high ceiling, garage premises with a 2-post lift, lot in front of the house for vehicles for sale, and the back lot for storage of more vehicles.

The property has been neglected and needs serious work to bring it up to the level at which Mr. Tardugno would like it to be. He likes the Town and the peaceful surroundings and wants to bring his family here to live and conduct his business.

Mr. Quintal, speaking as a resident of Town and a member of the Conservation Commission, is in favor of the property being cleaned up but also has concerns about protecting the groundwater from storm water runoff from contaminated vehicles. He wants to make sure there is some sort of protection for the groundwater for that property and that of the abutters. He was not sure what would work, possibly by periodic inspections by Code Enforcement or monitoring groundwater. Mr. Tardugno said his goal was to keep the cars in good condition or nothing would leak.

Mr. Moreau asked about the septic system as he noted there were failed test pits within the last year at the location; Mr. Tardugno stated he was waiting for the outcome of this meeting at which time the septic issue would be part of the purchase agreement.

Mr. Tardugno noted as there are tenants in the house, he has not even been inside the house to view the condition.

He asked about the agreement with the Fire Department and the fire pond; it was noted it was a dry hydrant.

After discussion, the Board came to consensus for Mr. Tardugno to have a baseline water test within 20 days of tonight's decision returned to the Selectmen's Office. If Mr. Tardugno purchases the property, there may be a future stipulation to monitor the water quality on a periodic basis (perhaps once a year) to make sure no contaminants are getting into the groundwater.

Mr. Tardugno noted there were underground pipes along the perimeter of the property which drained to the pond. Being extremely careful, he has cleaned out the pipes and trenches that drain towards the pond. There was significant junk and overgrowth in those trenches which inhibited the flow of the water into the pond. Mr. Quintal suggested Mr. Tardugno speak to the Fire Chief in regards to proper upkeep of the trenches and drain pipes..

Mr. Tardugno asked if there was already a baseline for the property; the determination was that there was not. Mr. Quintal noted it should have been because of the types of businesses that were there; the Board agreed.

Mr. Tardugno noted that if soil testing shows significant contamination, his offer to Mr. Keller will be null and void as he would not want to raise his family and conduct a business there.

Ms. LaBranche asked how soon Mr. Tardugno needed the decision from the Board; he stated his moving forward depended upon the decision of the Board tonight. He would need to provide the approval from the Board to get State dealers license.

Ms. LaBranche asked how the Board would feel about a phased approval; allowing less cars at the start and more later if things progressed well. Mr. Tardugno stated if the Board approved him tonight, based on the water quality and contamination tests, he would move forward with the purchase of the property, which could be a 3-month process. He would not move his family in right away, but would have to rely on the

business to bring in the required income. Forty cars is the number he estimates it will take to make it viable for him to proceed; less than that would not work.

Mr. Moreau asked if Mr. Tardugno would be taking over the entire garage; he answered that the smaller garage with the painted windows was Mr. Keller's storage unit and he did not have access to that at the present time.

Mrs. White reviewed previous tenant's conditions of approval, and the Board changed/added some.

1. Approved hours are 8am to 8pm, Monday – Sunday.
2. Repair and maintenance limited to those vehicles sold on the premises and represented by the company under warranty or good will repair. (new condition)
3. There shall be no flammable fluids or other hazardous chemicals stored on site.
4. In the event that flammable fluids or other hazardous chemicals are utilized, MSDS forms will be supplied to the Fire Department.
5. Tenant agrees to bi-annual inspections from the Fire Department and Building Inspector.
6. The Board of Selectmen shall approve any additional signage.
7. There shall be no additional lighting.
8. Tenant shall have up to 40 cars on the premises, inside and outside.
9. No vehicle of any kind shall be parked in front of the hydrant.
10. All vehicles on premises shall be operable and no storage or deposit of abandoned vehicles or discarded car parts / materials is allowed. (new condition)
11. Tenant is allowed up to 10 gallons of motor oil on premises with approval of the Fire Department.
12. Mr. Tardugno shall provide to the Selectmen's Office a copy of the baseline water test of the premises within 20 days of this decision. (new condition)
13. Mr. Keller will provide a copy of the lease for the file.
14. Tenant will return to the Planning Board for further review upon purchase of the property. (new condition)

Mr. Bath opined he had no problem approving Mr. Tardugno to have up to 40 cars (Condition #8). After hearing all the previous conditions, he agreed they were applicable but would like to add the baseline water testing to that list (Condition #12). He noted that once Mr. Tardugno bought the property, he would need to come back before the Board for finalization of some of the other conditions (Condition #14).

The Board discussed Condition #2 and changed it to read: "Repair and maintenance limited to those vehicles sold on the premises and represented by the company under warranty or good will repair."

Mr. Moreau verified that all the cars on the premises would be running cars and car parts would not be stored on the property. Mr. Tardugno agreed he would have no inoperable cars or parts stored on the property. That was added as condition #10.

Mr. Tardugno noted that in light of that discussion, he wanted the Board to know there were cars on the property that were not his and had been there, one for quite a while. There are also two boats and a camper located on the property. Ms. LaBranche suggested he take dated pictures of those vehicles for the record to document that situation, and also take a google picture of the premises.

Mr. Caswell asked how many cars Mr. Tardugno would have in for repair at any one time. Mr. Tardugno answered there was no way to put an actual number on it; cars he purchased for resale might need brake jobs or new tires, for example, to make it ready for resale.

Mrs. White noted on Mr. Tardugno's application, he had said "future possible inspection station". She was of the understanding that to sell used cars in New Hampshire you also had to be a licensed inspection station.

Mr. Neal Tardugno corrected that statement as he stated the rule was that to sell used cars in New Hampshire, you needed to either have an *agreement with a licensed inspection station to inspect the cars* or apply to be an inspection station yourself.

Mr. Bath **MOVED** to approve the tenancy of Rt. 108 Truck and Auto LLC, 17 Haverhill Road, East Kingston (EKPB 16-B) for the sale of used cars and trucks with the above discussed conditions with revisions as noted; Mr. Delling seconded. Vote was unanimous.

Mrs. White will email a copy of the decision to Mr. Tardugno.
Mr. Tardugno thanked the Board for their time.

Other Business

Mrs. White noted that Sheila Hitchcock and Julian Dunlop would be coming before the Board in June. Ms. Hitchcock was the new manager of the restaurant at 89 Main Street. The restaurant will now be named Carmen's and the grand opening is tonight. Mrs. White noted Mr. Dunlop had been before the Board last year to speak about reopening the restaurant.

Mrs. White asked if the Building Inspector would like to have a form made up for test pits, much like the one presently used for the Certificate of Monumentation. He agreed that would be a good idea and they will work together to draft a form.

Mr. Quintal suggested the Board might want to consider having the Notice of Decisions signed by the Chair to make them more official.

Minutes

Mr. Bath **MOVED** to accept the April 2016 Planning Board minutes as presented; Mr. Delling seconded. Motion passed unanimously.

Adjournment

MOTION: Mr. Bath **MOVED** the Planning Board adjourn, Mr. Delling seconded. Unanimous approval.

Dr. Marston closed the meeting at 9:00 pm.

The next Planning Board meeting will be on June 16, 2016.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved June 16, 2016

Attachments:

Decisions for APEX, Martell, Tardugno

PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

19 May 2016

NOTICE of DECISION

Notice is hereby given that, on Subdivision Application for APEX Realty Trust, Florian Kozinczak, 136 North Road (MBL 16-03-08) for a 3 lot subdivision. EK PB 16-02 with the following conditions:

Conditions:

- A note will be added on Sheet S-1 regarding the easement between lots 3-8 and 3-14 and that it will be recorded upon transfer of the property;
- a minor revision to Sheet S-2 will be added to adjust the septic reserve area on lot 3-14 to reflect the 20' setback;
- the 75' wetland leach field setback on lot 3-15 will be adjusted to correctly read 50' on all applicable sheets;
- a Certification of Monumentation signed by the East Kingston Building Inspector reflecting granite/ concrete bounds and markers are properly set will be received;
- a final mylar with all required engineering stamps and signatures will be provided for Planning Board Chairman signature and recording;
- all outstanding fees due to the Town will be fully discharged.

This notice is given pursuant to **NH RSA 676:3. Issuance of Decision.**

For the Planning Board,

Barbara A. White

Recording Secretary

Posted: 20 February 2018 - East Kingston Town Offices, East Kingston Post Office

Distribution:

Florian Kozinczak
Mr. Robert Stowell
Board of Selectmen

Building Inspector
Conservation Commission

PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

20 May 2016

NOTICE of DECISION

Notice is hereby given that, on 19 May 2016, the East Kingston Planning Board, at a duly noticed Public Meeting voted unanimously to **CONDITIONALLY APPROVE** the tenancy of Brad Tardugno, 17 Haverhill Road (EKPB#16-OB) dba ***Rt. 108 Truck and Auto LLC*** for the operation of used car and truck sales and repair at said location.

Conditions of approval include:

1. Approved hours are 8am to 8pm, Monday – Sunday.
2. Repair and maintenance limited to those vehicles sold on the premises and represented by the company under warranty or good will repair.
3. There shall be no flammable fluids or other hazardous chemicals stored on site.
4. In the event that flammable fluids or other hazardous chemicals are utilized, MSDS forms will be supplied to the Fire Department.
5. Tenant agrees to bi-annual inspections from the Fire Department and Building Inspector.
6. The Board of Selectmen shall approve any additional signage.
7. There shall be no additional lighting.
8. Tenant shall have up to 40 cars on the premises, inside and outside.
9. No vehicle of any kind shall be parked in front of the hydrant.
10. All vehicles on premises shall be operable and no storage or deposit of abandoned vehicles or discarded car parts / materials is allowed.
11. Tenant is allowed up to 10 gallons of motor oil on premises with approval of the Fire Department.
12. Mr. Tardugno shall provide to the Selectmen's Office a copy of the baseline water test of the premises within 20 days of this decision.
13. Mr. Keller will provide a copy of the lease for the file.
14. Tenant will return to the Planning Board for further review upon purchase of the property.

This notice is given pursuant to **NH RSA 676:3. Issuance of Decision.**

For the Planning Board,
Barbara A. White
Recording Secretary

Posted: 21 May 2016 - East Kingston Town Offices, East Kingston Post Office

Distribution:

Brad Tardugno
Mr. Keller
Board of Selectmen

Fire Department
Building Inspector
Conservation Commission

PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

20 May 2016

NOTICE of DECISION

Notice is hereby given that, on 19 May 2016, the East Kingston Planning Board, at a duly noticed Public Hearing voted unanimously to **CONDITIONALLY APPROVE** the Lot Line Adjustment for K. Monique and Richard Martell, Kenridge Farms, 285 North Haverhill Road, Kensington, NH for MBLs 16-04-08 and 16-04-12 located in East Kingston (EK PB 16-01) with the following conditions:

Conditions:

- add the bearing number for lot 16-4-12 along the 34' property line at the Town line;
- add a notation for the existing granite bound that is already in place;
- add the new monument at the new lot line;
- final review of the plan to be conducted by the Circuit Rider.
- a final mylar with all required engineering stamps and signatures will be provided for Planning Board Chairman signature and recording;
- all outstanding fees due to the Town will be fully discharged.

This notice is given pursuant to **NH RSA 676:3. Issuance of Decision.**

For the Planning Board,

Barbara A. White

Recording Secretary

Posted: 21 May 2016 - East Kingston Town Offices, East Kingston Post Office

Distribution:

K. Monique and Richard Martell
Town of Kensington Planning Board

Building Inspector
Board of Selectmen