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**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 17 May 2007)

**AGENDA:**

- 7:00PM - **Board Business**
- 7:15PM - **Public Hearing** – Revisions and updates to the East Kingston Planning Board Rules of Procedure
- 7:30PM - **Public Hearing** – Paul Masone, 213 Haverhill Road (MBL 11-2-17) and a prospective tenant of the light industrial park (EKPB#04-OB).
- 7:45PM - **Continued Board Business**
- 8:00PM - **Adjournment**

**CALL TO ORDER:** Vice Chairman Belcher 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, 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 S. Steltzer, Planner, Rockingham Planning Commission (RPC), and Mr. AJ Mazur, East Kingston Fire Chief. Vice Chairman Belcher noted that Mr. RR Donald, Building Inspector, had asked to be excused.

**Voting members** – Vice Chairman Belcher also noted that Chairman Day was not in attendance, and announced that Mr. R. Morales would be a voting member for this meeting.

**BOARD BUSINESS**

Mrs. Belcher informed the Board she had received a telephone call from Mrs. Ford inquiring if a building permit would be needed for their recently-approved storage unit business. They had encountered some unexpected complications and on the advice of the Building Inspector, wanted to ask the Planning Board for some direction on how to proceed. Mrs. Belcher polled the Board to see if they would mind fitting Mr. Ford in before the scheduled hearings; the Board agreed to allow Mr. Ford time for his questions.

***Mr. Fred Ford, 13 Depot Road. East Kingston.*** Mr. Ford explained to the Board that he and his wife had gone to look at the pre-built storage units they had anticipated installing, and were not happy with them. They were not pleasing to look at, which he felt would not be in keeping with the newly-passed Town Center District. He also felt uncomfortable with the structural integrity of the units, as they had crevices in which bees and birds could nest.

As an alternative to the pre-built storage units, they had looked at traditional storage units, which would be built on a monolithic slab, and decided the look was much more in keeping with what the Town Center District ordinance had in mind. His question was whether or not he needed a building permit for him to proceed building those new units. Mr. Ford explained that the footprint would be the same as on the original plan. He wanted to make sure he knew what the correct procedure was from the Planning Board before he gave a deposit to the builder of the units. Mr. Ford stated that the new buildings he was contemplating were much nicer looking and were of better quality.

Mrs. Belcher stated that it was her belief that another public hearing was not necessary, as the nature of the business applied for had not changed, only the make-up of the structures themselves; the Board agreed. It was her feeling that the minutes of this meeting would reflect the approval of the Board of the change in structure, as long as a list of materials was provided.

The Board informed Mr. Ford that a building permit was required for any proposed structure to be built with a value over \$1,000. Therefore, he would need to contact Mr. Ray Donald, Building Inspector, for the required building permit.

Mr. Caron suggested that Mr. Ford submit another drawing to the Planning Board with the layout and update it with the new information for the new storage units. Mrs. Belcher stated that the record needed to reflect what would be on the property, with an indication of what the materials used would be for the new structures.

Mrs. Belcher reviewed the requirements of the Planning Board:

1. Mr. Ford would provide the Planning Board an updated drawing of the site, including notations for the changes in specifications of building materials for the storage units.
2. Mr. Ford would obtain the required building permits from the Building Inspector.

**MOTION:** Mr. Morales **MOVED** the Planning Board accept the proposal of Mr. Ford for the change in specifications for the storage units at 5 Depot Road, East Kingston, MBL 09-03-04, (EKPB #06-OD), as per the aforementioned requirements. Mr. Caron seconded, and the motion passed unanimously.

Mr. Ford thanked the Board for their time.

**Minutes.** Mrs. Belcher entertained a motion to approve the 19 April 07 minutes.

**MOTION:** Mr. Caron **MOVED** the Planning Board approve the 19 April 07 minutes as presented. Mr. Morales seconded, and the motion passed unanimously.

### **CONTINUED BOARD BUSINESS**

**Master Plan Chapter Agriculture Chapter Soirée Loose Ends.** Mrs. Belcher reviewed that the Board had received a bundle of information on this from the Secretary.

**Agriculture Forum.** Mrs. Belcher reminded everyone of the Agriculture Conservation Forum that would take place on Saturday, May 19<sup>th</sup> from 10:00am to 12:00pm at the Town Hall. The East Kingston Planning Board and the Conservation Commission, in cooperation with the East Kingston 4-H Club and Grange, were jointly hosting this forum, and guest speakers would be Mary Currier from the Rockingham County Conservation District, and Dr. Jill Robinson, Rockingham Planning Commission. Refreshments would be served and all were encouraged to attend.

**New Regulation Books.** Mrs. Belcher confirmed that all the Board members had received their new regulation books.

**Kingston Proposed Development.** Mrs. Belcher turned the floor over to Mr. Steltzer. Mr. Steltzer explained that there was a new proposed development in Kingston, located on the South side of a pond. Most of the development property was in Kingston, but a little bit of the land came into East Kingston. All of the actual subdivision development would be taking place in Kingston; there is no development planned in East Kingston.

Mr. Day had thought it would be good for the developer to come before the Board in June for a formal hearing. The process could prove difficult, as there is nothing on which to invoke jurisdiction.

Mrs. Belcher asked if the East Kingston portion of the development would be part the open space as there was no development planned there, and Mr. Steltzer stated he thought that was the case.

### **PUBLIC HEARING FOR REVISIONS AND UPDATES TO THE EAST KINGSTON PLANNING BOARD RULES OF PROCEDURE**

Mrs. Belcher opened the Public Hearing.

Mrs. Belcher confirmed that all the Board members had received a copy of the Rules of Procedure with the revisions and updates in italics. She reviewed that the revisions included mirroring the Board's elections to the member appointment cycle, and including the full position description of the Recording Secretary. Mrs. Belcher asked if there was any further Board changes, comments or discussion on the Rules of Procedure.

Mr. Morales stated he thought all the questions Board members had were answered at the last meeting, and the rest of the Board members agreed.

Mrs. Belcher entertained a motion to accept the Rules of Procedure as presented.

**MOTION:** Mr. Morales **MOVED** to accept the revisions and updates to the Rules of Procedure (Adopted 15 August 1991, Revised 15 May 2003; 17 May 2007) as presented. Mr. Caron seconded; and the motion passed unanimously.

Mrs. Belcher closed the Public Hearing and passed around the cover sheet.

### **CONTINUED BOARD BUSINESS**

**Fire Department Update.** Chief Mazur reported that he and Building Inspector Donald were working together to update some of the forms and had discussed the need to increase fees.

**Board of Selectmen Update.** Mr. Caron reported that there would be a Special Town Meeting on June 7. Mrs. Belcher stated she understood the issue to be the management and overseer of the library building project. Mr. Caron stated the issue was actually signing the contracts and issuing the monies.

**Zoning Board of Adjustment (ZBA).** Mrs. Belcher reported that the ZBA had conducted a Balloon Test on May 6, and weather-wise, it was a great day for the test. The ZBA Chairman, David Ciardelli, had verified the length of the rope and confirmed it to be 170' long. As a fact-finding mission, ZBA members visited a number of locations to verify visibility of the balloon. Mrs. Belcher was among several ZBA members who visited the riding arena to view the balloon from the two lots on the property, and reported that the view was beautiful from those locations.

Mr. Morales stated he had read the ZBA minutes, and inquired if the whole purpose of that meeting had been to discuss the balloon test. Mrs. Belcher answered that the entire meeting had been procedural; to set out the procedures the ZBA would follow to employ a mutual RF Engineer that they could refer to for questions they might have in regards to telecommunications or about the entire process. This person would be acceptable by both parties and as objective as possible.

Mrs. Belcher stated that Mr. Ciardelli had done a wonderful job of Chairing the meeting. The ZBA had the opportunity to look at two resumes and chose the one they thought fit the needs.

Mr. Morales inquired who was responsible for paying for the RF Engineer's services. Mrs. Belcher answered that the applicant was responsible for the cost. She also stated it is the right of the ZBA or the Planning Board to compel an applicant to hire any counsel or engineer to help facilitate an educated decision. She reported that the ZBA does not want to allow any stone to be left unturned.

Mr. Morales reiterated the public concern for devaluation of property, and asked if a subject matter expert could be hired to address that question. Mrs. Belcher stated that that subject could very well be addressed at a later meeting.

Mrs. Belcher reiterated that this meeting had been to choose an RF Engineer, schedule the balloon test, and set up some schedule dates for submission of materials to the RF Engineer. May 31<sup>st</sup> will be the continuation date for the ZBA rehearing for the cell tower application.

**Rockingham Planning Commission Information.** Mr. Steltzer stated that the RPC had sent out a mailer to all the Land Use Boards and Town Administrators for the *Land Use Workshop* to be held on June 7 from 6:30-8:30pm at the Portsmouth Public Library. He acknowledged that the purpose of the workshop was to discuss energy issues, and what municipalities could do to help control and monitor the energy concerns they have. Mr. Morales noted that unfortunately it was being held the same night as the East Kingston Town Meeting.

Mr. Steltzer stated that the *East Kingston Global Warming Resolution* passed at the last Town Meeting would be discussed; and that part of that resolution was to consider forming an energy committee. Christa Kohler from *Clean Air-Cool Planet*, an organization that works with the *Carbon Coalition*, will be on hand to discuss the steps to take for formation of an energy committee. David Allen, *Deputy Public Works Director* in Portsmouth, will discuss the Portsmouth Library, the first public Building in New Hampshire to receive certification from the U.S. Green Building Council, and a tour of the library is on the agenda.

Clay Mitchell from the Town of Epping will speak on the energy efficiency ordinance they passed, and other tools that can be used to monitor the efficiency of buildings. Mr. Steltzer invited all to attend.

Mr. Morales was surprised that UNH would not be at the meeting with their Bio Mass joint venture. Mr. Steltzer answered that they had tried for this first workshop to keep focused on what municipalities can do right now. The first

thing they could do is to form an Energy Board and look at their existing buildings. Direction and visioning from community members will be gathered on what other projects they would be interested in pursuing.

PUBLIC HEARING FOR PAUL MASONE, 213 HAVERHILL ROAD (MBL 11-2-17) AND A PROSPECTIVE TENANT OF THE LIGHT INDUSTRIAL PARK (EKP#04-OB).

Mrs. Belcher opened the Public Hearing.

Mrs. Belcher stated that Mr. Masone has not supplied a map showing what building the proposed tenants wanted to rent and that she was unfamiliar with the layout of the industrial park. Mr. Mazur stated that he was familiar with the location and the building in question was Building #2.

Mrs. Belcher asked the applicant, Mr. and Mrs. Randy Cofske, to come forward and speak to the Board.

Mr. Cofske stated that he owned A-1 Auto, and performs automotive repair and auto body work. Mr. Masone's building is tall enough for the lift he would need, and he was interested in renting it as a tenant. Mr. Cofske stated that he was already set up with the State for removal of hazardous waste and had his Hazardous Waste Permit for the State of New Hampshire.

Mrs. Belcher asked what type of auto repair Mr. Cofske performed, and he answered that he worked on passenger vehicles and light trucks. He was currently located at 2 Danville Road, Plaistow.

Mrs. Belcher referred to the light industrial regulations as a check sheet of that the Board needed to review:

- *No fire or explosion hazards shall exist as to product dangerous exposure to adjacent property* Mr. Cofske stated he changed oil and it was necessary for him to meet the State requirements for disposal of such materials. There were strict records that had to be kept and amounts had to be verified. The State provided a 25 gallon container and logs had to be kept. Mr. Mazur vouched for the stringent methods hazardous disposal of materials needed to abide by. Mr. Morales inquired about all the MSDS sheets Mr. Cofske had provided and asked if he used all the chemicals listed. Mr. Cofske stated he did not use all those materials; it was just a generic list.

Mrs. Belcher inquired if Mr. Cofske intended on doing auto body work and if he would have paint at his place of business. He stated he did provide that service at the present time, but was trying to get away from that part of the business. Mr. Cofske stated that there was already an air quality system in place in the building. Mr. Mazur stated that there were strict air quality standards Mr. Cofske would need to adhere to, and there was now mandatory testing required twice a year.

Mr. Morales inquired about the noise produced for auto body work, and Mrs. Belcher stated that in the Light Industrial District, certain noises were inherent but would need to be confined to inside the building.

- *No objectionable odors shall be detectable beyond the property line.* Mr. Cofske ensured the Board that all repairs would be performed inside the Building.
- *No noxious, toxic or corrosive fumes or gasses be emitted.* Mr. Cofske answered there would be no fumes or gases emitted, and that there was already a filtering system in place in the building.
- *No observable dust or smoke shall be exhausted into the air.* Mr. Cofske stated that there was a ventilation system in place.
- *No heat and glare shall be evident beyond the property line.* Mr. Cofske stated that the building was steel.
- *No exterior lighting...shall shine directly on adjacent properties or towards any street.* Mr. Cofske stated he would not be making any changes to the outside lighting, and the present inside lighting was more than adequate.
- *No inherent and recurrently generated noise shall be detectable beyond the property line in excess of the average level of street and traffic noise...* Mr. Cofske stated all work would be performed inside the building.
- *No inherent and recurrently generated vibration ..... beyond the property line.* Mr. Cofske stated all work would be performed inside the building.
- *No dangerous radiation shall be detectable outside any structure.* Mr. Cofske answered there would not be any radiation.

- *Waste disposal and water service.* Mr. Cofske would acquire a dumpster for trash disposal.
- *Storage of fuel, machinery, supplies and equipment.* Mr. Cofske stated that all equipment would be stored inside the building.

Mrs. Belcher inquired how the Board would know that Mr. Cofske had complied with all required permits. Mr. Mazur answered that Mr. Cofske would need to conform to the procedures set by the State Fire Marshall for storage of hazardous waste, and pass a semi-annual air quality test performed by the Fire Department.

Mrs. Belcher asked Mr. Cofske what his intended hours of operation would be; he answered that since he had a family and did not want to be working long hours, he proposed hours of 8:00am-4:00pm Monday-Friday, and 8:00am-1:00pm on Saturday.

After discussion with the Board, Mr. Cofske changed the hours of operation requested to 6:00am-6:00pm, Monday-Saturday to conform to the hours of operation for the rest of the light industrial park. This would mean he could work any hours he wanted to between those hours specified and approved.

Mrs. Belcher asked if any of the Board members had any other questions for the applicant; they had no questions.

Mrs. Belcher asked about deliveries; Mr. Cofske answered that any deliveries would be made between the hours of operation specified, only as needed.

Mr. Sullivan asked about parking; Mr. Cofske answered that there was room for 8 cars outside and 6 inside. He stated that it was not his practice to leave customer cars outside; they would be parked inside the building.

Mr. Sullivan declared that the Board did not want the property to look like a junkyard, with unlicensed vehicles and piles of spare parts. Mrs. Belcher agreed that junkyards were not allowed; not more than 2 unlicensed vehicles would be allowed. Mr. Cofske ensured the Board he had no intention of creating a junkyard.

Mrs. Belcher asked how many workers Mr. Cofske intended on employing; Mr. Cofske responded it would only be he and his wife. There was an office space in the building where they could do their paperwork.

Mrs. Belcher asked if any Board members had questions for the applicant.

Mr. Mazur stated he was satisfied as long as Mr. Cofske met all required State regulations, and informed the Board that Knox Boxes were being installed by the Fire Department for each building in the light industrial park.

Mr. Smith asked if the dumpster would be screened. After Board discussion, it was determined that screening the dumpster would not be necessary as it would impede the waste disposal truck from emptying the dumpster properly. The dumpster would be located towards the back of the building where it would not be so visible.

Mrs. Belcher explained that this hearing was not a full site plan review, which had been the case when the industrial park was built. The ordinance for the light industrial park allows that tenants will change, but necessitates they come before the Planning Board for a determination of whether a full site plan review would be necessary for any particular tenant.

Mr. Steltzer asked if Mr. Cofske intended on having a sign, and Mr. Cofske answered that he would utilize a space on Mr. Masone's existing sign at the entrance to the Industrial Park. He would also put an approved 2x2 sign on the building.

Mrs. Belcher went over a list of items the Planning Board would expect Mr. Cofske to adhere to should they approve his tenancy.

1. Obtain a permanent hazardous waste permit.
2. Agree to bi-annual inspections from the Fire Department
3. Keep to the approved hours of 6am to 6pm, Monday – Saturday
4. Only have up to 14 cars on the premises, inside and outside.
5. Appropriately dispose of all spare parts and not stockpile debris.
6. Meet all State regulations.
7. Locate the dumpster out of sight, to the right side of the building.

Mrs. Belcher opened the floor to abutters.

**Mr. Doug Merrill, 217 Haverhill Road.** Mr. Merrill was concerned with fumes from the spray-painting and auto body work being dispersed around the neighborhood, as his grandchild often played outside in his yard. Mr. Cofske assured Mr. Merrill that there was an approved spray booth in the building, and there would be an adequate filtering system to prevent any fumes from dispersing into the neighborhood. Mr. Mazur also assured Mr. Merrill that Mr. Cofske would need to obtain State approval and conform to all State standards as per the Clean Air Act. Mr. Merrill was satisfied with the answer regarding the fumes.

Mrs. Belcher closed the floor to abutters.

Mrs. Belcher entertained a motion to accept the application of A-1 Auto Repair.

**MOTION:** Mr. Caron **MOVED** to accept the application of A-1 Auto Repair, to be located in Building #2 at 213 Haverhill Road in the light industrial park, for the business of auto repair and auto body work, conforming to the hours agreed upon and the seven (7) items stated above. Mr. Morales seconded; and the motion passed unanimously.

Mrs. Belcher stated that Mr. Cofske would need to have the MSDS sheets and a valid hazardous waste permit on file with the Selectmen's office and the Fire Department.

Mrs. Belcher asked how the Board would be ensured that Mr. Cofske has met all the conditions specified; Mr. Mazur stated he would need approval from the Building Inspector and Fire Department. Mrs. Belcher reiterated to Mr. Cofske that he would need final approval from the Building Inspector and the Fire Chief before he opened his business.

Mr. Cofske thanked the Board for their time.

**ADJOURNMENT:**

**MOTION:** Dr. Marston **MOVED** the Planning Board adjourn. Mr. Morales seconded, and the motion carried unanimously at 8:04 pm.

Respectfully submitted,

Barbara A. White  
Recording Secretary

Catherine E. Belcher.  
Vice Chairman

**Minutes approved June 21, 2007**

\*\*\*Please be advised that there is a correction to the minutes of May 17, 2007 regarding Mr. & Mrs. Randy Cofske, A-1 Auto, the prospective tenant of Paul Masone's light industrial park.

Page 5, paragraph 2 of the minutes, it states: ...**Mr. Cofske would need to .....pass a semi-annual air quality test performed by the Fire Department.** (See attached Page 5 of the May 17<sup>th</sup> minutes).

Mr. Alan Mazur, East Kingston Fire Chief, has informed me that the Fire Department does not perform this test. The tenant is expected to arrange for the test himself and the Fire Department will monitor the testing and is required to receive a copy of the information following such testing.

Chief Mazur has sent a letter to Mr. & Mrs. Cofske for clarification of the matter, and a copy of that letter has been placed in his file.

For the Planning Board:  
Barbara A. White  
Planning Board Secretary