

May 19, 1994

East Kingston Planning Board

Attending: Chairman Richard Smith; Catherine George, Joseph Cacciatore, Robert Marston, and Andrew Berridge, Alternate

Others Attending: Joseph Conti, Building Inspector; David C. Boudreau, Jr., Deputy Building Inspector; James Davis, Deputy Fire Chief; and Larry Smith, Conservation Commission Chairman

This meeting opened at: 7:42pm.

**Public Hearing - Craig Scholpp** 7:42pm

Mr. Scholpp addressed the Board stating that he has a landscaping business which is operated from his home. He has a garage and keeps the equipment inside. There is no change to the exterior of his residence. He stated he wants a sign.

Mrs. George asked if customers come to the house.

Mr. Scholpp stated no, everything is done strictly off site.

There were no further questions or comments.

Abutter, Marie Robie was present and voiced no objections.

Mr. Berridge motioned to recommend to the Selectmen to grant a Home Occupation Permit to Mr. Scholpp.

Mr. Cacciatore second.

The motion passed unanimously.

This Public Hearing closed 7:47pm.

**Building Inspector Joseph Conti** Mr. Conti requested the Board review information he received regarding the use of "Power Grip Survey Markers" as described on the handout. He noted the advantages of this marker is the design which does not allow for easy removal. Removal is done by digging out or pulling out by a machine. Dimensions are 4 ft. with a 1-1/2 Stainless Steel Cap. The surveyor driving the marker places his name on the marker. Although Civil Consultants did not object to the use to this type of marker, they stated it was the Planning Board's decision for use.

Mr. Conti noted the reason for bringing this up to the Board is the requirement for marking the smaller lots at Brandywine now that they are being sold individually. Four markers are required per lot and cement markers would be less sightly and more costly. These markers are stainless steel or Fiberglas and can easily be located with a metal detector should they become buried (unlike the cement markers). They are visible to the average siting.

Dr. Marston asked how long they would last (expected lifetime).

Mr. Conti said as long as any z-bar driver.

Dr. Marston noted the ordinance requirement of cement.

Mr. Berridge said the ordinance stated a permanent concrete or granite marker.

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Mr. Conti cited that concrete markers could be pushed down for mowing purposes and over time won't be found if covered with earth.

Mr. Berridge asked if MDR is requesting to place these at Brandywine.

Mr. Conti stated yes, they are.

Mr. Smith noted that surveyors would have to place each of these.

Mr. Conti stated that an engineer would put them in; they have z-bars in place now.

Mr. Smith stated that all lots would have boundary markers and asked if MDR would be coming back.

**Public Hearing-Thomas Brandolini** This public hearing opened at 8:00pm.

Mr. Brandolini addressed the Board noting that he has been working on cars, making repairs at his residence for some time.

This public hearing for a home occupation for a garage/automobile repair business was lengthy and abutters were present to state their views. Comments from these abutters and responses from the applicant are condensed and presented as follows (hopefully to clarify concerns and rebuttal):

Abutter Concerns/Bd Comments & Questions
What happens when there is an oil change? It is taken to a Haverhill business for waste oil heating.
How many vehicles at any given time? Various, several of own which are there all the time.
How many vehicles-numbers? 7-8 at any one time, it varies. 1 Bay in garage; others are outside; 3 behind house.
Are there 2 vehicles there for repairs? or 3? Usually not more than 3, but sometimes more. They are there for one day, but could be there longer waiting for parts.
Is the work done inside the garage? Yes, occasionally outside during good weather.
Do you work any other jobs? Occasionally, have 3 registered vehicles of own; would estimate there could be 8 vehicles (including own).
It looks more like a junkyard!
Are you looking to increase the size of the garage? Already have 2 bays, works in 1 bay and has own vehicle to sell in second bay. There are no commercial vehicles.
Mrs. Leveille: Stated she is closest neighbor. Mr. Brandolini's residence is neat, presentable. As long as it stays nice, she has no problem. In the three years it has been there, she has addressed the mess problem with Mr. Brandolini and felt he tried to respect her concerns. She noted he operates within normal business hours or does work only in his garage if he works late. She notices no noise and is directly next door to his garage. She has no problems and has no concerns about the oil disposition.
Mr. Durkee: Stated he lives at 7 Rowell Rd. and is concerned with the storage of flammable materials. He has a dug well 12 ft. from the property line. He noted there are 2 cars stored next to the line. There is difficulty with plowing as cars are parked along the street. Only 1 car can pass through the area at any time when a car is parked on the side of the road. Mr. Brandolini does operate his business on Sundays and holidays. I believe a business like this is dangerous. He road tests the cars when he does a brake job on this street. There are many children in this "cluster" neighborhood. Most lots have 100 ft. frontage.

Mrs. Durkee: There are tow and flat bed trucks bringing vehicles into the area. Maneuvering is dangerous. Other concerns are: decreasing of property values, lots of kids in the area & walking to bus stops. This is a dead end street and narrow causing more hazardous situation than usual. Surface water concerns, I have dug well, water comes into basement, surface water comes into my basement...concerned with what is also being carried in with it.
Mrs. Leveille: Noted other work trucks go over this road, there is fast traffic and speed on the road is a concern. Expressed concern with increasing the businesses on the street.
Observed by abutters: RV, Scout & trailer at rear of house, two cars (Mr. Brandolini and friends);5 cars in the driveway and one NAPA delivery truck (delivering parts).
Generally abutters agree there would be little problem with the garage operations with the following guidelines: No weekends, holiday operations; request quiet on Sundays & holidays; keep a residential area-put cars in back.
Mrs. Durkee: Are there laws requiring him to work inside?
Mr. Smith: The Ordinance states what can and cannot be done.
Mrs. Leveille: Can anyone else open up a business (on Rowell Cove Rd)?
Mr. Smith: No only if they make application for a Home Occupation Permit.
Mr. Brandolini: Define Home Occupation and Commercial Zone.
Mrs. Leveille: I don't want businesses.
Mr. Smith read from the checklist to notify the terms of Home Occupation.
Mr. Conti: I have problem with 3 cars behind, 5 cars on the driveway. He feels that keeping the cars in the driveway is not allowable.
Mr. Brandolini: The number of cars has been a problem. He wants to remove some and decrease the numbers to preserve the residential neighborhood.
Mr. Conti: The garage is a commercial garage, no longer a personal use. The BOCA Codes for a commercial garage is strict. The garage must be brought up to code.
Mr. Brandolini: I want to comply and invited Mr. Conti to come by and tell him what he has to do to come up to code.
General: The abutters do not have to look at a mess.
Mrs. Castonguay: Provided a letter for the Board. She noted three major concerns and read this letter.
Mrs. George: How many years has this garage been in operation?
Mr. Brandolini: Approximately three years.
Mr. Conti: Cited that State of NH would not allow backing out of driveways. Must back into driveway or get circular drive.
Mrs. George: If you have operated for 3 years, have you heard any neighbor's concerns (during this time)?
Mrs. Durkee: I have noticed a lot of traffic and during the winter there are cars parked on the lawn, near my well. The volume has been increasing.
Mrs. Castonguay: There are busy days and quiet days, the volume of cars for repair varies.
Mrs. Leveille: Traffic is the biggest concern, I don't have a problem if it is neat and clean and all of the codes are met.
Mr. Cacciatore: Is it my understanding that if all codes are met and it is neat, the neighbors would not greatly object?
Mrs. Castonguay: We need to see guidelines. Issues need to be addressed; wants assurance that it is handled fairly. The property is so small.
Mr. Cacciatore: There are three cars and one is intended to be moved, correct?
Mr. Durkee: I would prefer that he work only in the garage, now there are two in the garage, plus those parked outside.
Mr. Cacciatore: Could we limit to 5 cars total?
Mrs. Durkee: I find this offensive, to be in my backyard and having nine cars next door.
Mr. Cacciatore: There are 2 cars, plus 3 cars under repairs now.
Mrs. Durkee: This seems like too many, what are the requirements for parking spaces on site?
Mr. Castonguay: This is a Town of 20 roads. It is supposed to be residential. How many Home Occupation permits are we going to give. This was supposed to be a nice quiet residential area.

Mr. Smith: The Home Occupations Ordinance was voted in to accommodate the home businesses and therefore, allows it to happen anywhere in town.
Mr. Durkee: In the future would this be a State Inspection Station?
Mr. Brandolini: No. I do not work full time at this business, it is just to support me. Thank you to the neighbors to come and express their concerns. He requested to respond to their concerns:  1. Safety/Traffic: appreciate the concern, doubts the new business contributes to situation, total effect of my business is negligible. 2. Child Safety: When I'm there, you are gone...I keep an eye on your property. 3. Apology for leaving the cars on the lawn during this winter, this was wrong and I regret it. 4. Environmental: Impact is negligible, know there are shallow wells, but work in the garage has no effect. 5. Fluids: This was addressed...used for waste oil heat in other town. 6. Resale Values: This is not an issue of rezoning, only a Home Occupation which is subject OT controls and it goes only with me and not the property.
Mrs. Durkee: Issues I've brought to light are based on what I saw this winter.
Mr. Conti: If you are the sole worker, why must you have two cars in the garage?
Mr. Brandolini: One is waiting for parts.
Mrs. Durkee: Are there any buffers?
Mr. Smith: Only for commercial zones.
Mrs. Durkee: I want everything spelled out.
Mr. Davis: How many cars are reasonable in a normal residential neighborhood? Would 5 cars fit into the driveway?
Mr. Brandolini: Yes, they could fit.
Mr. Conti: Now there are 4 in the driveway and 1 in the garage. I want to hold it to a reasonable number.
Mr. Durkee: What is the total number of repairs per day?
Mr. Brandolini: Three.
Mr. Beridge: Suggested meeting with the abutters and come up with a plan that everyone can live with.
Mrs. Castonguay: I have concerns with the environment and looks, we don't know the laws to meet the criteria (appearance).
Mr. Brandolini: The point was made many times, I did work and was not noticed. There was more activity last year and some vehicles got parked on the side of the yard and the street was not plowed effectively.
Mrs. Durkee: I don't want it there, I want no mess.
Mrs. George: The Board would be able to limit the number of hours. There would be problems with the numbers of cars, they would have to distinguish between the number of personal versus cars there for work purposes.
Mr. Conti: Any family has 5 cars, this doesn't generate complaints. He suggested Mr. Brandolini work on 1 car, work on it and deliver it, then bring in another. He has 2 bays and they should be kept in the garage.
Mr. Brandolini: We still have to come up with a number. (of cars).
Mrs. Durkee: I want to keep the neighborhood nice, quiet, residential area.
Mr. Brandolini: So would I, I live there too.
Mr. Durkee: Does this hearing make or break Tom? Will a decision be made tonight? Do you need time to make these decisions?
Mrs. Castonguay: Has everyone viewed this property? I feel it only fair to have all the Board members view this property.
Mrs. Leveille: If Home Occupation is allowed, will the building have to come up to code before he can go on with his business? Do you inspect (to Mr. Conti)?
Mr. Conti: Yes, I will inspect.
Mr. Conti: The business cannot operate pending a decision from the Selectmen.
Mr. Brandolini: Impossible to stop..my livelihood.
Mr. Durkee: As a firefighter, I see many, many changes that have to be dealt with.

Mr. Conti: If approved, Mr. Brandolini will have to make the changes before continuing with his business.
Mrs. Castonguay: If the Home Occupation permit is issued, will all fire and disposables be totally addressed, ie, fluids, parking, exterior of business?
Mr. Conti: If the Selectmen give a permit to work, there may be no appearance of a business; no parking on the lawn, street or driveway.
Mr. Cacciatore: This is a home garage (has 4 cars of his own). It will still look like a garage, but we need restrictions.
Mr. Brandolini: The fluids go to Haverhill.
Mrs. Durkee: Are they logged anywhere?
Mr. Brandolini: Did not want to discuss. He stated the a nfire eze goes to the Hazardous Waste Day in plastic jugs. I only produce 4-5 gallons per year. I do not want exterior changes to the building.
Mrs. Castonguay: Where do your customers wait while you are doing the repairs?
Mr. Brandolini: They wait in my house, outside, in the garage.
Mrs. Castonguay: This is residential, when the customer waits on the lawn, it is no longer residential.
Mrs. Durkee: I can hear air compressor noises, sometimes late into the night.
Mr. Durkee: Would there be regulations for the hours of operation?
Mr. Brandolini: I want to insulate the garage and this should help stifle the noise.
Mr. Durkee: I want the Board to see the property before making their recommendat ion.

Mr. Cacciatore motioned that Mr. Conti go to inspect the garage and the neighbors are to come up with a plan defining the parameters of operation which are acceptable to the neighbors. There will be no action by the Board until the Board goes down to inspect the property.

Dr. Marston second.

The motion passed unanimously.

Mr. Brandolini asked if the "no decision" left him unemployed for one month.

Mr. Conti stated unless you are hiring the work done, to fix it will take a month (reference to come to BOCA code).

The status of the Cease & Desist order was brought up. It was assumed that since he applied for the permit, the Cease & Desist was in abeyance.

Mr. Conti stated that the cost to comply with the BOCA code would be expensive.

This Public Hearing was adjourned at 9:15 and will be continued next month.

**Public Hearing-Barbara Bagshaw** This Public Hearing opened at 9:16pm.

Mrs. Bagshaw is seeking a two lot subdivision on North Road.

Mr. William Bagshaw presented the plans. He noted there are 19 acres with frontage on North Road. He proposed a single family dwelling, with garage on the highland, north side with a driveway through the property. A new lot would be created in the Northwest corner of the property. There is no impact on the wetlands and they are seeking a shared driveway. Frontage is adequate and +/- 17 acres will go with the existing house. Perc tests have been performed.

Mrs. George asked about the shared driveway. The Ord'inance requires a separate driveway per lot.

Mr. Bagshaw stated this was done not to impact the wetland.

Mr. Conti noted the State allows for a common driveway.

Mr. Dingman (bystander in the audience) noted that he designed one entrance to service two lots at the Timothy Bodwell site a couple to years ago.

Mr. Bagshaw felt the State would not allow the crossing of wetlands and two entrances onto Route 108 at this point.

Mr. Conti stated he has no objection to a single entrance for the driveway.

Mr. Bagshaw noted there would be two garages, two cars in the driveway. The length negates any parking problems for either home.

Mr. Berridge asked for frontage. It was noted the new lot has 200 ft.; the existing 240 ft.

Mr. Smith noted there is no room for the second driveway because of the wetlands.

Dr. Marston noted that granite bounds must be set before the plan is signed.

It was noted the State Subdivision is pending, they are requesting conditional approval pending their approval from the State.

Mr. Smith noted that all markers have to be placed before approval and shown on the plan.

Mr. Berridge motioned to approve the subdivision for Mrs. Barbara Bagshaw with two conditions:

1. Receipt of State Subdivision approval.
2. Concrete markers be placed in the ground and shown on the plan.

Mr. Cacciatore second.

The motion passed unanimously.

The Public Hearing was closed at 9:40pm.

Peter Abbott Subdivision-Vern Dingman The Public Hearing opened at 9:42pm.

Letters approving fire protection from Exeter Fire Dept., Frank Cadieux and East Kingston were presented to Chairman Smith.

Mr. Davis concurred that the letters give adequate permission and saw no problems.

Mr. Conti asked why Mr. Blunt had not been required to place a hydrant on his pond before dividing.

The Soils Scientist stamp was also outstanding. This is on the plan, which is at the Town Office.

Mr. Dingman stated that cement bounds are in place.

NHLSA Checklist for Subdivision The Board reviewed briefly as they had received the checklist with last months minutes.

They agreed to add this checklist to their present subdivision application.

Minutes. The April minutes were accepted, with no corrections.

Rosenberg Conference Center There was brief discussion about the proposed use of the Center for a private school. Mr. Davis reminded the Board that an engineering plan, set to BOCA, Life Safety Codes before approval would be required. He urged the Board to keep this in mind should they be approached with further discussion or plans for use.

The meeting was adjourned at 10:30pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant