

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
May 21, 1998

FILE

AGENDA

- 7:45 Marie Robie – Lot Line Adjustment - Discussion
- 8:00 Richard Cook – Light Industrial Park – Site Plan Review – Continued Public Hearing
- 8:30 Cheryl & Scott Tucker – 158 North Road Subdivision – Public Hearing
- 8:45 Site Plan Review - Amendments – Public Hearing

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, John L. Fillio – Ex-officio, Catherine George, and Dr. Robert Marston.

Absent: Alternates Beverly Fillio and Robert Nigrello.

Others attending: Sarah Campbell - RPC Circuit Rider, Glenn P. Clark – Building Inspector, Lawrence K. Smith – Conservation Commission Chairman, Richard Cook, Marie Robie, Quin DaGraca, David Sullivan, Cheryl Tucker, James Kelly, Raymond Morin, and other members of the public who did not address their concerns.

Chairman Smith called to order this May 21st public planning board meeting at 7:36 p.m. with the roll call.

May 5, 1998 Planning Board Work Session Minutes: The Board reviewed the minutes dated 5/5/98.

MOTION: Mr. Johnson motioned to accept the May 5, 1998 Planning Board Work Session minutes as presented. Mrs. George second. With no further discussion, the motion passed 5-0.

Correspondence: Chairman Smith acknowledged the following incoming correspondence:

1. Rockingham Planning Commission – Signed Circuit Rider contract for the current year.
2. Letter from Administrative Assistant regarding correspondence with Denis Plante, (discussion forthcoming).
3. Rockingham Planning Commission and Rockingham County Conservation District 1998 Planning Board Training Series. Dates of series: June 4th, June 11th, and June 25th at the Hilton Auditorium in Brentwood.
4. Office of State Planning – Road designs.

Work Session: A work session is scheduled for Wednesday, June 3rd at the Town Offices beginning at 7:00 PM. The agenda will include the Future Land Use Map, the Goals, and Future Land Use Chapters of the Master Plan.

Zoning Amendments: As was discussed at the May 5th work session, Mrs. Campbell submitted proposed zoning amendments for the purpose of making the zoning ordinance consistent with the “Signs” section (6.E) of the newly adopted Architectural/Aesthetic Standards in the Site Plan Review Regulations, (see attached). Posting these amendments will put these proposed amendments into effect until they are voted on by the town.

MOTION: Mr. Fillio motioned to post the proposed Zoning Amendments as presented with a minor correction. Mrs. George second. With no further discussion, the motion passed 5-0.

Marie Robie – Lot Line Adjustment – Discussion: Chairman Smith opened discussion with Marie Robie at 7:45 PM. Mrs. Robie is proposing a lot line adjustment between MBL#’s 10-05-02 and 10-05-09. She explained to the Board that a year ago when she had the back of her property surveyed and sold, it was discovered that her garage and driveway encroach on the side property line of property owned by Quin DaGraca. She stated that she would like to adjust this property line to accommodate her driveway, which would entail decreasing the frontage on Mr. DaGraca’s property.

Mrs. Robie further expounded that she would like to trade off land at the back of her property for his frontage property. She stated that she was not sure of the total frontage of Mr. DaGraca’s property.

The Board informed Mrs. Robie that the first step is to find out the exact frontage on Mr. DaGraca’s land. If the frontage is less than 200 feet, then the Board could not approve a plan to reduce the frontage even further.

The Board inquired to a possible easement between the two properties.

Mrs. Robie responded that a lot line adjustment is the cleanest way to address this problem. She stated that she would investigate the frontage issue and return her findings to the Board for further discussion.

Richard Cook – Site Plan Review – Light Industrial Park – Continued Public Hearing: Chairman Smith opened the public hearing for Richard Cook at 8:00 p.m. He noted that this hearing is a continuation from the April 16th meeting. It was also noted that on April 30th, the Zoning Board of Adjustment denied Mr. Cook's request for variance from building setbacks as required in Article XII.7 of the East Kingston Zoning Ordinance.

Mr. Cook proceeded to thank the Planning Board and Conservation Commission Chairman Larry Smith for their assistance and guidance in his proposal to develop the light industrial park. He stated that although his request for variance was denied, he would continue to investigate other options and plans for the light industrial park. He will keep in contact with the State regarding the wetlands for possible future plans.

For the record, Mr. Cook withdrew his application dated February 18, 1998 and identified as case # 98-01A to develop the light industrial park located on Haverhill Road.

He stated that to make the proposal economically viable, 100% of the useable land needs to be developed. Reducing the project by two buildings does not make this project work. He continued to say that he feels this project was in the best interest of the town. He concluded that he would keep the Planning Board apprised of any new plans.

Denis Plante – Haverhill Road Commercial District: At this time the Board entertained discussion on the matter of a new business being located at 17 Haverhill Road and that this business does not meet the commercial setback requirements as provided in Article VII.C.2 of the East Kingston Zoning Ordinance. The Board reviewed correspondence dated May 5, 1998, May 14, 1998 to Denis Plante, and May 15, 1998 to Planning Board Chairman Richard Smith.

It was noted that September 29, 1997, the Board of Selectmen stated that the addition of Fairway Auto Sales to 17 Haverhill Road, owned and operated by Albert Nadeau and Wallace Pelletier, was not considered a change of use to the current use of the property. This current use is an auto body repair shop.

The Board stated that the auto body repair shop and the auto sales business are two separate businesses and that this constitutes a clear change and/or expansion of use. Furthermore, this new operation of auto sales should have been addressed by the Planning Board under the provisions of Site Plan Review.

It was noted that the new business did not meet two commercial zone requirements: adequate off-street parking and the 25-foot setback from the business to the road. It was also noted that the business should be located 100 feet from standing water, including man-made standing water.

The Board then requested the Selectmen as code enforcer, via Mr. Fillio – Ex-officio, to send a letter to Mr. Plante indicating that Fairway Auto Sales is an expansion/change of use and that it must be reviewed by the Planning Board.

Cheryl & Scott Tucker – Subdivision Proposal – Public Hearing: Chairman Smith opened the public hearing at 8:35 PM for Cheryl and Scott Tucker's application to subdivide 4.057 acres into two parcels located at 158 North Road, MBL# 16-03-06.

The Board reviewed plans and HISS mapping noting septic and building setbacks from the wetlands, boundaries, soil calculations, and acreage.

Mrs. Tucker submitted check number 2572 in the amount of \$7.00 for fees due in relation to a butter's notification. It was noted that the application was now complete.

MOTION: Pursuant to RSA 676:4, Mr. Fillio motioned to accept jurisdiction on the proposed subdivision plans presented for MBL# 06-03-06. Mrs. George second. With no further discussion, the motion passed 5-0.

At this time Chairman Smith opened discussion from abutters. There was none.

MOTION: Mrs. George motioned to approve the application to subdivide 4.057 acres into two parcels identified as MBL# 06-03-06 and located at 158 North Road, with the following conditions:

1. Both MBL#'s be shown on the mylar;
2. The proposal receive State Subdivision approval;
3. The proposed driveway be shown on the mylar;

4. The proposed driveway receive State approval; and
5. The two new iron pins be replaced with concrete markers.

Mr. Fillio second. With no further discussion, the motion passed 5-0.

Site Plan Review Amendments – Public Hearing: Chairman Smith opened the public hearing for proposed Site Plan Review Amendments at 8:55 PM.

The Board reviewed the proposed new Section VII (Site and Building Design Requirements), amendments to B. Procedure, the replacement of the second paragraph with waiver requirements, the deletion of VI.D and the deletion of VI.F, (see attached).

MOTION: Mr. Fillio motioned to adopt the proposed amendments to the Site Plan Review Regulations outlined above. Mrs. George second. With no further discussion, the motion passed 5-0.

For the purpose of recording into the minutes, the Board signed the Site Plan Review Amendments adoption document.

Zoning Books: With the new site plan review amendments adopted, the Board can expect completed 1998 Zoning Books in about three weeks.

James Bioteau Subdivision Application: The Board noted the receipt of James Bioteau's application to subdivide property located at 22 Giles Road. The Board noted that a current plan of the proposal was not provided. A plan must accompany the application prior to the processing of the application.

Charlotte Wall Subdivision Update: The subdivision approved with conditions for Charlotte Wall regarding property located on Willow Road and Forest Drive has received State Subdivision approval. This will be confirmed and then the plan can be recorded at the registry.

Home Occupations: Mr. Fillio requested the Board define Article 10.6 regarding home occupation exemptions. The Board explained that the intent of the "invisible" business exemption was that businesses who have no visual impact on the neighborhood may be exempt from the fees and public hearing, but they still must comply with the ordinance.

Discussion on how to keep track of all businesses in town, whether invisible or not, transpired. It was noted that if all businesses were to be required to file with the Selectmen's office, then the Selectmen would have documentation of each business' scope and operation. This would assist in tracking each business on a year to year basis. Business' who are invisible now may expand disqualifying them from the "invisible" status. The Selectmen have no way of regulating these expansions if the businesses are not on file.

With no other business before the Board,

MOTION: Dr. Marston motioned to adjourn. Mr. Johnson second. The motion passed 5-0 and this May 21, 1998 public planning board meeting ended at 9:17 p.m.

Catherine Belcher
Secretary
Minutes complete and on file May 27, 1998.