



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

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

MINUTES
Regular Meeting 16 June 2016
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Public Hearing** for Subdivision Application for Arthur Francoeur, 131 Depot Rd., (04-01-14) for a 2-lot subdivision. EK PB 16-03
- ◆ **Discussion** with Sheila Hitchcock and Julian Dunlop re: Carmen's Restaurant, 89 Main Street, East Kingston.
- ◆ **Discussion** with a prospective new tenants at Powwow River Rd business complex.

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

Members Present: Chairman Mr. J. Cacciatore, Vice Chairman Dr. R. Marston, Mr. J. Bath, Mr. B. Caswell and Ex-Officio Mr. Richard Pooleart. Mr. C. Delling 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.

Also present: Mr. Arthur Francoeur and his representative Mr. Dennis Quintal, PE; Mr. Julian Dunlop, owner Carmen's Restaurant; and Ms. Lisa Maffei, prospective tenant, Powwow River Rd.

Board Business

Mr. Cacciatore opened the meeting at 7:00.

Minutes

Mr. Cacciatore asked for a **MOTON** on the May minutes.

Mr. Bath **MOVED** to accept the May minutes as presented; Dr. Marston seconded. Motion was unanimous.

Public Hearing for Subdivision Application for Arthur Francoeur, 131 Depot Rd., (MBL 04-01-14) for a 2-lot subdivision. EK PB 16-03

Mr. Cacciatore invited Mr. Quintal to present the 2-lot subdivision to the Board.

Mr. Quintal presented the plan for 131 Depot Road to the Board. He explained he had prepared the septic design and some other survey work for the previous owner of the property and therefore had information on this property already in his file, which made it easier to help Mr. Francoeur with his application.

Mr. Quintal explained the lot is a 5.66 acre parcel on Depot Road located directly across from Brandywine Road. Mr. Francoeur would like to divide his property into two lots, creating a back lot. The result would

be the existing house lot with 2.2+ acres and a new back lot with 3.4+ acres. The frontage meets the regulation requirements as there would be 243' of frontage for the house lot and 40' frontage for the back lot.

There is an area of upland at the rear of the proposed back lot (4,000 sf) with enough upland for well, septic and house location. There is also an existing woods road which crosses the wetlands and they are proposing to use this as the driveway for the back lot.

They have applied to the State for a Dredge and Fill permit for a wetlands crossing for the driveway and have conducted 4 test pits for location of the septic system at various points on the property which were witnessed by the Building Inspector Mr. Moreau.

On the plan, the existing house lot is shown to narrow down to 75' in the rear, which is less than the Town regulation of 125'. They are asking for a waiver from this regulation. Doing so would leave all of the woods road proposed to be used as driveway on the newly created lot with 10' to the property line. If they enlarged the rear of the existing house lot to the required 125', it would require an easement for the new driveway to go across the other lot. In keeping the driveway in the same location as the existing woods road they would be sensitive to the wetlands as it crosses the wetlands at the narrowest point. The proposed driveway would be approximately 700' long with 130' of wetlands crossing.

Mr. Bath asked how difficult it would be to create the easement? Mr. Quintal noted it would be included on the deed to the property and was not too difficult to do, but the thought is it would be cleaner to ask for the waiver. The house lot has wetlands at the rear where it would narrow to the 75'; the usable area is to the front of the lot.

Mr. Quintal has provided drainage calculations to the state and they will conduct their review next week. They are waiting for the wetlands approval, the subdivision approval, and the driveway approval from the State and will provide those to the Town as soon as they are received.

Mr. Cacciatore asked for a MOTION to accept the application as complete.

Mr. Bath **MOVED** to accept the application for Arthur Francoeur, 131 Depot Road, East Kingston (MBL 04-01-14) for 2-lot subdivision as complete. Dr. Marston seconded. Motion was unanimous.

Mr. Quintal read the waiver request to the Board. Mr. Bath noted he was pleased that they were sensitive to the wetlands and had chosen the narrowest part for the driveway crossing. Mr. Cacciatore also thought it was cleaner and would avoid any potential problems if the driveway was all on one lot. Ms. LaBranche agreed.

Mr. Cacciatore asked for the **MOTION** on the Waiver Request from Subdivision Regulation Section VII, A. which states: *"to the maximum extent possible, all newly created lots shall be rectangular in nature and at no point shall any lot be narrower than 125'."*

Mr. Bath **MOVED** to grant the Waiver Request for Arthur Francoeur, 131 Depot Road, East Kingston (MBL 04-01-14) from Subdivision Regulation Section VII, A. as per RSA 674:36.II.(n)(1) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations and (2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.* Dr. Marston seconded. Approval was unanimous.

Mr. Quintal reviewed the items they would still need to complete: set the bounds, provide the three state approvals; provide a mylar for recording; make sure all fees are paid.

Mr. Bath **MOVED** to approve the 2-lot subdivision for Arthur Francoeur, 131 Depot Road, East Kingston (MBL 04-01-14) with the following conditions: a Certification of Monumentation signed by the East Kingston Building Inspector reflecting granite/concrete bounds and markers are properly set will be received; the three state approvals (the driveway permit, the dredge and fill permit for the wetlands, and the subdivision permit) will be provided; a final mylar with all required engineering stamps and signatures will be provided for Planning Board Chairman signature and recording; and all outstanding fees due to the Town will be fully discharged. Dr. Marston seconded. Approval was unanimous

Mr. Quintal and Mr. Francoeur thanked the Board.

Mr. Cacciatore closed the public hearing.

Discussion with Sheila Hitchcock and Julian Dunlop re: Carmen's Restaurant, 89 Main Street, East Kingston.

Mr. Cacciatore invited Mr. Dunlop to the front to speak to the Board. He apologized that Ms. Hitchcock was not in attendance as she was attending to an issue at the restaurant. She had wanted to introduce herself to the Board as the manager of Carmen's, but unfortunately could not attend this evening. Mr. Dunlop was asking for permission for her to be the Manager of Carmen's. Mr. Cacciatore noted as she was Mr. Dunlop's employee, the Board did not have to give her permission to be the manager. In the past, the Board had asked to meet the new managers and get their contact information for the file.

Mr. Dunlop asked if the Board would write a letter to the State giving permission to the restaurant to serve food and alcohol on the deck. This had been done in the past, but as the restaurant now has a new name, it is required to have a new letter of permission. Dr. Marston asked if the gate between the patio and the driveway had been installed as required by the Fire Department. Mr. Dunlop answered it was installed.

Ms. LaBranche asked about the status of the septic system; Mr. Dunlop noted it had been approved by the State and there was a defined timeline in which the new system had to be installed, which they would be completing. Ms. LaBranche asked for a copy of the approval to be provided for the file; Mr. Moreau noted there was a copy in his file. A notation will be made to that effect for the Planning Board file.

Mr. Dunlop also asked for permission to continue using the extractor fan on the west wall of the kitchen, subject to the approval of the Building Inspector. The fan is located on the side wall of the kitchen and would impact the staircase, but the staircase is only used for maintenance of the HVAC system and there is a chain across it. The Building Inspector had asked for the vent to be removed as it blocked the stairway, but they found they could not run the vent up through the roof as suggested as the HVAC system was in the way. Mr. Dunlop said he would reposition the staircase if it was necessary. Mr. Moreau will need to take a look at it and coordinate with the Fire Department to see what needs to be done.

Mr. Moreau asked about table in the basement and if food preparation was happening there. Mr. Dunlop stated no food preparation was happening there to his knowledge but he would make sure it was not. He invited Mr. Moreau to inspect the basement if he wished to.

Ms. LaBranche asked about hours of operation as there had been issues with the previous tenant; Mr. Dunlop noted the closing hour was 9pm.

Discussion with a prospective new tenant(s) at Powwow River Rd business complex.

Mr. Cacciatore invited Lisa Maffei to review her application with the Board.

Ms. Maffei explained they she and her partner Tara Wade ran New Wave Healthcare, which provides various healthcare services to their clients. The services fall under the categories of companion, personal care attendant, and nursing services. Both Ms. Maffei and Ms. Wade are Registered Nurses. HIPPA require-

ments state records need to be in a locked space and not in someone's home. They would be leasing a space in Mr. Jamieson's business complex which would mainly consist of a space to coordinate appointments and for storage of records. All business would be conducted in the field.

Mr. Caswell asked if they would have any medications at the office space. Ms. Maffei stated any medications would be shipped directly to the clients homes, and none would be stored at the office location.

Their requested hours of operation are 8-4 pm Monday - Friday; they have pager on-call after 4:00 pm. They would have no clients coming to the office. Mr. Cacciatore suggested they request 7 days a week in case the need arises for someone to be at the office other than Monday - Friday. That way they would be able to utilize any hours in between what they are approved for. Ms. Maffei agreed that would be a good idea and changed the hours on the application. Although it is proposed Ms. Wade would be in the office space and Ms. Maffei would be in the field, Mrs. White asked her to add Ms. Wade's name and phone number to the application as they are partners and at some time the need may arise for the other person to be in the office. This way they would both be approved. Ms. Wade's name was added to the application.

Mr. Bath asked about signage. Ms. Maffei stated they would have a sign on the main marquee and a small sign outside the door, as approved for the business complex.

Mrs. White noted Mr. Jamieson had provided an updated tenant list and an updated water usage chart which includes New Wave Healthcare.

Mr. Cacciatore asked for a **MOTION**.

Mr. Bath **MOVED** the Board approve the tenancy of Lisa Maffei and Tara Wade dba New Wave Healthcare at 14 Powwow River Rd.; Dr. Marston seconded; the motion was unanimous.

Ms. Maffei thanked the Board for their time.

Other Business

Horse Kneads - There was a question from the Selectmen's Office regarding an existing home occupation. At the present time they are approved for repair and sale of equine tack and saddles. They would like to add the sale of handcrafted satchels, handbags and belts. Would there be a need to come back before the Board for an expansion of use? Board consensus was there was no expansion of use as he was not adding any employees, and the notification to add those items is sufficient. Adding the HKH to the sign was also fine, as long as it did not make the sign larger than the approved size.

State of NH OEP - Mrs. White noted there was a request from the OEP asking for information for their Annual Survey of Municipal Land Use Regulations. She will, with Ms. LaBranche's help, fill out the on-line form and submit it by the July 28th deadline.

Madeline Dilonno - Ms. LaBranche asked Ms. Dilonno be added to the Board's July Agenda. She explained Ms. Dilonno was an Intern at UNH Coop Extension who is conducting a needs assessment survey of local municipal boards and commissions. She will be looking at what types of information would be helpful for them, what type of training needs do they have, what access to information do they use, etc. She will ask the Board some questions and speak to them for a while. She will provide information to access a longer survey

on-line if Board members choose to participate in that. The information will ultimately be used to determine if the Coop needs to revise their strategic plans for providing services needed.

Accessory Dwelling Unit suggested revisions - Ms. LaBranche distributed copies of proposed revisions to the Accessory Dwelling Unit Zoning Ordinance which would bring them in compliance with the State. She suggested the Board review and they would address this at the July meeting. Page 1 is an overview of what a dwelling unit must be, what it may be and what it may not be.

Signs - Ms. LaBranche will also be bringing some changes to the sign regulations for review in July-August.

Adjournment

MOTION: Dr. Marston **MOVED** the Planning Board adjourn; Mr. Bath seconded. Unanimous approval.

Mr. Cacciatore closed the meeting at 8:10 pm.

The next Planning Board meeting will be on July 21, 2016.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved July 21, 2016