



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2015-2016  
Joe Cacciatore, *Chairman*  
Dr. Robert Marston, *Vice Chairman*

**MINUTES**  
Regular Meeting 18 June 2015  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Public Hearing** for Kevin Jones, 5 Depot Road (MBL 09-03-10) Amended Site Plan -Change/Expansion of Use regarding installation of additional storage units.
- ◆ **Discussion** with Oksana Karcha, 168 North Road for change from an invisible home occupation to a visible one.
- ◆ **Discussion** with Julian Dunlop regarding change of management for 89 Main Street (MBL 14-02-05)
- ◆ **Board Business**

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

**ROLL CALL:**

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

**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; Fire Chief Ed Warren.

Also Present: Applicant Kevin Jones and his representative Mr. Dennis Quintal; Oksana Karcha and Joe Oliviera; Julian Dunlop and Greg DiGregorio; Larry Bean; and resident Mark Coorson.

**Minutes**

As the email distributing the minutes did not appear to be complete, the May minutes will be approved at the next meeting along with the June minutes.

**Public Hearing for Kevin Jones for expansion of use with amended site plan regarding installation of additional storage units, 5 Depot Road (MBL 09-03-10).**

Mr. Dennis Quintal presented for Mr. Jones and explained what Mr. Jones would like to do with the storage unit property. Several years ago the storage facility had been approved for Mr. & Mrs. Ford for a total of four units and lot line adjustments were made where necessary. At that time only two units were installed. There is an infiltration trench on the east side of the property and a grass treatment swale on the south side to minimize any runoff.

Mr. Jones has since purchased the property and made improvements to it including a locking gate, a light pole, downcast lighting on the units and crushed asphalt on the driveway. He would like to install 30 more units as all of his existing units are full. This configuration of the buildings as opposed to what had been

originally proposed would be less of an impact on the wetlands as it would be further away. Ms. LaBranche noted the original proposal went away when Mr. Jones purchased the property and made his improvements.

His property is located within the Commercial/Town Center overlay district. The intent is to remove an existing concrete foundation and place the new units extending across that location. There would be 30 additional 10x10 units placed 15 units long, back to back; the row would be approximately 20' wide and 150' long. The proposed area is quite flat with only a slight slope. Mr. Quintal provided pictures of the site.

Mr. Quintal has allowed for traffic flow in between the proposed new units and the existing units. His sketch shows the units located 25' from the property line, and there is significant buffer with vegetation between the units and the residences adjacent to the storage facility. The new units would be placed on top of the ground, much as the existing units were, on top of a concrete pad. The area slopes down by a couple of feet, so the units would be stepped down every 4 units. There would not be a lot of excavation as the units will be placed on slabs. They would install hay bales on the downgrade side during construction.

The Board asked about proposed lighting for the units; Mr. Jones indicated he would treat the new buildings the same as the existing ones with the types of lighting that the Board approved; there would be motion-activated, shielded low-intensity downcast lights every 4 units and one on each corner of the row. The units are approximately 11' high and the doors are 9' high.

Ms. LaBranche noted there was more information needed as part of the application. Erosion and sedimentation control during construction, post construction stormwater management standards to manage stormwater runoff off the 3200 sf building, a landscaping and maintenance plan, and a stormwater management report and calculations. Mr. Quintal should include these with the amended plan next month.

There is existing vegetation on the property line, but since they are all deciduous, the Board felt plantings of evergreen trees along the property line were needed. Mr. Moreau asked that Mr. Jones contact the neighbors and let them know if he needed to remove any trees and that he was planting the new ones along the property line.

Mr. Cacciatore opened the floor to abutters. *Mr. Mark Coorson, 7 Haverhill Road*, referred to the plan and asked if there were setbacks from district to district? There are no setbacks from districts in the ordinances. He asked if they would be strictly storage units as there seemed to be traffic at night and asked if the hours of operation were from dawn to dusk? The units are to be used strictly for storage and the approved hours are 7am to 7pm. The buildings would be the same color as the present ones and there would be no power in the units, only lighting on the outside. The lights are downcast and shielded.

Additional items to include on the amended site plan are: erosion control, design features for landscaping showing the proposed location of the trees, and stormwater calculations and report. Also needed are drawings of the proposed buildings with elevations.

Mr. Cacciatore **MOVED** the Planning Board accept the jurisdiction of the amended site plan application and expansion of use for completeness; Mr. Morales seconded. The motion was unanimous.

Ms. LaBranche noted the motion should include the additional items discussed.

Mr. Cacciatore **MOVED** to amend the motion to include erosion control, design features for landscaping showing the proposed location of the trees, stormwater calculations and report, and drawings of the proposed buildings with elevations.

Mr. Cacciatore **MOVED** to continue this Public Hearing to July 16; Mr. Bath seconded. The motion was unanimous.

**Discussion with Oksana Karcha, 168 North Road, Bocovina Cuisines (MBL 16-03-05) to change from an invisible home occupation to a visible one.**

Mr. Cacciatore opened the discussion and invited Ms. Karcha and Mr. Oliviera to explain what they wanted to do.

Mr. Oliviera reminded the Board they had come before them last year for a home occupation for Oksana's catering business (Bocovina Cuisines). What they hoped to do was to expand that home occupation so that customers could come year-round to pick up food that was prepared in the kitchen. At the present time, besides the off-site catering, they sell at the Exeter Farm Market.

Mr. Oliviera noted that the kitchen was licensed by the state as a commercial kitchen and they are licensed as such to sell items they prepare in the kitchen. They would like permission from the Town to do so.

There was Board discussion on customers coming in to pick up food, especially the meat. The Circuit Rider Planner noted that as the chickens and ducks would be raised on the property, it would be considered as agricultural. After discussion, the general consensus was that as long as they were picking up food and not sitting down to eat (which would be considered a restaurant) what they were proposing was viable.

Mr. Oliviera showed the Board a rendering of the property, showing where the kitchen and garden were located, and where they would like to put the farmstand tent. They would like to be able to install a sign and a flag so that the customers could see where they are located and that they are open. They were informed that the approved sign size would be 4 sf. They provided some photos of the property to the Board.

Mr. Oliviera pointed out where the horseshoe driveway came into the property and where it exited. He was proposing to make IN and OUT points with signs. He also showed two different areas where customers could park which would be off the main road.

They have a large garden and use the vegetables in the prepared food, as well as what they will sell at the farmstand. They also raise ducks and chickens and will sell the eggs. They are investigating where to have the chickens and ducks slaughtered so they could use them in the prepared food, but they are not anticipating on this in the near future. The vegetables and the eggs fall under the umbrella of agriculture and no permitting is required for that part of what they are proposing.

Selling the prepared food from the kitchen would be an expansion of use and requires a public hearing and abutter and newspaper noticing. They were directed to complete an application and submit it to the Selectmen's Office with the appropriate fee to be placed on the July 16th Agenda for a Public Hearing.

Ms. Karcha brought samples of some of the dishes she prepares for the Board to taste. Everyone enjoyed the food very much and thanked Ms. Karcha.

Mr. Cacciatore closed this discussion.

**Discussion with Julian Dunlop regarding change of management for 89 Main Street (MBL 14-02-05)**

Mr. Dunlop owns the property at 89 Main Street and would like to operate it as an Italian bistro restaurant. He introduced his general manager Mr. Greg DiGregorio to the Board.

Mr. Cacciatore wanted to clear up some things in light of problems there had been in the past. He noted that location is a grandfathered restaurant in a residential area; not a bar. Most restaurants close their kitchen at 9pm. In the past, the businesses at that location had been open very late and had been very loud, causing a disturbance to the neighbors.

Mr. Dunlop inquired about a function room upstairs and was informed that could not happen.

When the building was rebuilt, it was supposed to stay in the same footprint as the original and not expand. The second floor should not have been installed, but as it is there, it can be used for storage only. Utilizing it for anything but storage would be an expansion of use and cannot happen as it is a grandfathered use in a residential area.

Mr. Dunlop stated they would like to be open Wednesday through Sunday, with Monday and Tuesday to conduct inventory and restock for the rest of the week. Mr. Cacciatore noted the Board recommends you ask for 7 days with the hours you would need, and then have the option of opening any of the approved days so you need not come back to change your hours. That why should you decide you wanted to be open on Sunday or Monday you could since you would already be approved.

Mr. Morales noted usually approved hours included an hour before and after operating hours to allow for preparation and cleanup.

Mr. Moreau, Code Enforcement, noted that the previous manager had been sleeping in the basement, and that was not allowed. Mr. Dunlop answered that was one of the reasons he was let go. Mr. Moreau appreciated Mr. Dunlop doing the right thing. Mr. Moreau asked if the downed light pole in the parking lot was going to be fixed before they opened up. Mr. Dunlop stated he was going to remove it and cap it off, as he had done with the other damaged pole.

Chief Warren noted he had met with Mr. DiGregorio to go over some things inside the restaurant and there were several items that needed to be redone. The place of assembly permit needs to be updated, the kitchen needs to be retested, the fire alarm system needs to be tested.

The deck also needs to be altered so you cannot get from the deck to the parking lot (so liquor does not leave the premises). Mr. DiGregorio noted a gate was in the process of being constructed.

Mrs. White will send Mr. Dunlop an application for submittal.

Mr. Cacciatore closed the discussion.

#### **Discussion with Larry Bean regarding 4 Powwow River Road and a new tenant**

Mr. Bean explained his tenant who builds boats was leaving and he would like to rent the space to a new tenant who has an vehicle restoration business. He is approved for another one of his tenants who also does vehicle restoration. Mr. Bean's question is since he is already approved for an automobile restoration business in his building, would he need to come back before the Board for a public hearing to do the same thing? Or can he just provide the Board with updated information?

Mr. Bean opined he was already approved for one, why not two? The Board noted although the businesses might have the same definition, it did not mean they were going to be doing exactly the same thing. All the information on the application needs to be verified by the Board, therefore a public hearing was necessary.

Ms. LaBranche noted a public hearing format was beneficial for both the tenant, property owner and the Town for all parties to understand what was allowed and what was not, and what inspections, if any, would be required. It also afforded the abutters the chance to hear when the new tenant was planning on doing.

Mrs. White informed Mr. Bean he would need to get an application from the Selectmen's Office and that the deadline was Tuesday, June 23 for the July 16 meeting.

Mr. Cacciatore closed the discussion.

## **Board Business**

### **Update on the *Maplevale Builder's Case***

Last month the ZBA made a determination in a case that reversed the Building Inspector's denial on very specific grounds and interpretation of the law, the statutes, regulations and zoning.

After discussion with the Town attorney, it was determined the ZBA decision was faulty and an incorrect interpretation of the statute and the Zoning. He advised the Board of Selectmen to submit a Request for Reconsideration by the ZBA of that case. That has been filed and there is a meeting of the ZBA next week, on June 25th. At that time, they will decide whether or not to hold a hearing for reconsideration.

As a result of discussions with the Town Attorney, he has recommended three changes to the Zoning ordinances which clarify the definition of a street and a non-conforming structure. Changes will also need to be made in the subdivision regulations regarding the connectors that are required to be made, with definitions of what they are supposed to be and what they are not. The changes to the Zoning ordinances will be forthcoming in the fall with public hearings and presented to the voters in March.

### **OEP Planning and Zoning Conference Report**

Mr. Bath had attended the OEP Planning and Zoning Conference and thought it was a great conference and would recommend all members attend. He learned a lot and noted members should make it a point to attend if they had never been. The Conference made it crystal clear why we are sitting where we are (on the Planning Board) and the duties, responsibilities and the honor to serve our Town.

### **Danna Truslow and PREP**

Mrs. White had let Ms. Truslow know they could not employ her services at the present time, and Ms. Truslow will be sending a quarterly newsletter which will be shared with the Board.

### **YMCA Camp**

Mrs. White had sent letter to the Haverhill YMCA Camp regarding the sign and had not heard back. She will check with them next week.

Chief Warren noted that the Town had not been reporting seasonal increases to include YMCA camp participation. He recently found out they have 300 participants per day at the camp.

### **Public Hearings for Next Month**

Besides the Public Hearings spoken about at this meeting, there will be another Home Occupation application next month for a body shop.

## **ADJOURNMENT**

**MOTION:** Dr. Marston **MOVED** the Planning Board adjourn; Mr. Bath seconded. The motion was unanimous.

The meeting was closed at 8:50 pm. The next Planning Board meeting will be July 16.

Respectfully submitted,

*Barbara White*

Planning Board Secretary

Minutes approved July 16, 2015

Mr. Cacciatore, Chairman