



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

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

**MINUTES**  
Regular Meeting 16 July 2015  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Continued Public Hearing** for Amended *Site Plan Review* for 152 Epping Road LLC (Kevin Jones), 5 Depot Road, East Kingston (MBL 09-03-10) dba Depot Storage for additional storage units (15-01)
- ◆ **Public Hearing** for Oksana Karcha, 168 North Road for a change from an invisible home occupation to a visible one (15-HO2)
- ◆ **Public Hearing** for Julian Dunlop regarding change of management for 89 Main Street (MBL 14-02-05) (15-C)
- ◆ **Public Hearing** for Larry Bean, 4 Powwow River Road, East Kingston for automotive restoration (MBL 10-03-10) (15-D)
- ◆ **Public Hearing** for Home Occupation for vehicle restoration for Reid Simpson, 35 Giles Rd., East Kingston (MBL 16-02-09) dba Reid's Autobody (15-HO3).
- ◆ **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. B. Caswell, and Ex-Officio Mr. R. Morales. Mr. J. Bath and Mr. C. Delling 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; and Fire Chief Mr. Ed Warren.

**Also Present:** Applicant Kevin Jones and his representative Mr. Dennis Quintal; applicants Oksana Karcha and Joe Oliviera; applicant Bosanna Dunlop and Manager Greg DiGregorio; applicant Larry Bean and Lenny Schaffer; and residents Mark Coorson, Gary Hinz and David Carter.

Mr. Cacciatore appointed Mr. Caswell as a voting member.

Mr. Cacciatore announced that the Public Hearing for Mr. Simpson's Home Occupation has been postponed until the August meeting at Mr. Simpson's request.

**Minutes**

Mr. Cacciatore **MOVED** to accept the May and June Planning Board minutes as presented; Mr. Morales seconded. Motion passed unanimously.

**Continued Public Hearing for Amended Site Plan Review for 152 Epping Road LLC (Kevin Jones), 5 Depot Road, East Kingston (MBL 09-03-10) dba Depot Storage for additional storage units (15-01).**

Mr. Quintal distributed an updated plan to the Board members. He noted that since the last meeting, he had amended the site plan to include arborvitae at the property line between Mr. Jones' property and the abutting

properties for additional screening. Mr. Quintal noted the additional buildings would mostly be hidden behind the trees and not so visible from the road. Mr. Jones had provided an elevation plan for the file.

He noted the finished grade would be similar to what is existing, and the drainage will come around the backside of the building and the runoff will drain down through a treatment swale area. After discussion with Ms. LaBranche, he made modifications and extended the treatment swale into a "U" shape. Runoff will filter through the stone berm, the grass and the plants before reaching the wetland area. Mr. Quintal explained although a bio-retention type of stormwater management would be preferred, the soil type was wrong so he opted to use the "U" shape in this case as he had explained. Drainage calculations have been provided.

Mr. Cacciatore asked if the Board had any questions; as they did not, he asked if there were questions from the public.

*Mark Coorson, 7 Haverhill Road* asked if the lighting (motion sensor) was going to be the same on the new building as on the existing ones and if the hours of operation were going to be the same; Mr. Jones agreed it would be the same. Mr. Coorson asked if trees were going to be planted on the railroad track side of the site, as well as at the property line between the property and the residences. Mr. Quintal noted there would not be trees planted on the track side of the property.

*Gary Hinz, 76 Main Street* asked what was being used as paving; Mr. Jones answered reprocessed asphalt. Mr. Hinz also asked what the specifications were for the evergreens that were being planted. Mr. Jones replied they would be 8-12 feet tall when first planted and grow to a height of over 30' and 15' in diameter and were supposed to grow from 3'-5' per year.

Mr. Cacciatore asked for **MOTION**

Mr. Morales **MOVED** to approve the amended site plan for Epping Road LLC, 5 Depot Road, East Kingston (MBL 09-03-10) dba Depot Storage for additional storage units (15-01); Dr. Marston seconded. The motion was unanimous.

Mr. Cacciatore closed the public hearing. Mr. Quintal and Mr. Jones thanked the Board for their time.

Mr. Quintal asked if a mylar for was needed recording; Board consensus was that it should be recorded. Mrs. White will let Mr. Jones know about the two fees required. Mr. Quintal opined the LChip was not necessary for an amended plan. Mrs. White will corroborate that fact and get back with him.

***Public Hearing for Oksana Karcha & Joe Oliviera, 168 North Road, Bocovina Cuisines (MBL 16-03-05) to change from an invisible home occupation to a visible one (15-HO02).***

Mr. Cacciatore opened the public hearing. Mr. Oliviera explained that since the discussion with the Planning Board last month they had provided to the Board a map of the site showing the parking area and driveway around the house, and also provided a picture of the sign they wish to install.

Mr. Cacciatore asked if Board members had any questions; there were none. Mr. Cacciatore asked if there were any abutters present who wished to speak. *Mr. David Carter, 180 North Road*, asked what the difference was between an invisible and a visible home occupation. He wanted to make sure everything was being done according to the regulations. Mr. Cacciatore noted that the applicants had provided all the required information to the Planning Board and were following procedures.

Mr. Cacciatore noted that an invisible home occupation was one which showed no evidence of being there, had no impact on the neighborhood and did not have any sign. A visible home occupation was allowed to have customers and a sign.

As Mr. Carter had not been present last month for the discussion, Ms. LaBranche provided an overview of the request for him. Ms. Karcha and Mr. Oliviera had discussed with the Board in June a change to their Home Occupation. They wanted to ability to have a sign so customers would know where they were located and could come and pick up prepared food from the premises when they were not at the farmer's markets.

At the present time they have an approved home occupation for an invisible home occupation for a catering business. They also are going to have a farm stand where they sell produce from their garden. The farm stand is a non-issue because all of East Kingston is zoned residential/agricultural so that aspect of what they want to do does not need permission and is allowed everywhere in the Town. Mr. Carter thanked Ms. LaBranche for the explanation.

Ms. LaBranche asked about the driveway signs discussed last month. Mr. Oliveira proposed entrance and exit signs at the two driveway entrances. Ms. LaBranche also recommended signage directing customers around the house to exit as Mr. Oliviera noted sometimes customers were backing out onto the road to exit. Mr. Oliviera agreed to install the directional signs.

Mr. Cacciatore asked for **MOTION**

Dr. Marston **MOVED** to send a letter of recommendation to the Selectmen for a change from an invisible to a visible home occupation with the ability for customers be able to pick up prepared food from the kitchen (no food service on premises for sit-down eating) and the ability to have approved signage for Joe Oliveira and Oksana Karcha, 168 North Road, East Kingston MBL 016-03-05 dba Bocovina Cuisines. Mr. Morales seconded; the motion was unanimous.

Mr. Cacciatore closed the public hearing. Mr. Oliviera and Ms. Karcha thanked the Board for their time.

**Public Hearing for Julian Dunlop regarding change of management for 89 Main Street, MBL 14-02-05**

Mrs. Dunlop was in attendance as well as Mr. Greg DiGregorio. Mr. DiGregorio stated he would be managing the restaurant for Mr. & Mrs. Dunlop and it would be called "The Bistro at 89 Main Street". Hours of operation would be 7:00 am to 9:00 pm, 7 days a week with an hour before and an hour after operating hours for prep, clean-up and close. There would be a maximum of 8 employees. At the June meeting it was determined that the lower level and second level could only be used for storage and not utilized by patrons.

Mr. Moreau asked about the downed light pole in the parking lot. Mr. DiGregorio stated they are in the process of trying to sell it, but regardless it would be capped off before they opened.

The deck is being altered so there is no access from the deck to the parking lot (so liquor does not leave the premises) and a gate was in the process of being constructed.

Mr. Cacciatore asked when they were anticipating opening. Mr. DiGregorio stated once they received the permit from the Fire Department and the liquor license, they could be ready to open in a couple of weeks.

Chief Warren noted he was working with Mr. DiGregorio to go over items before the place of assembly permit can be issued; they were not ready yet.

Mr. Cacciatore asked for **MOTION**

Dr. Marston **MOVED** to accept the transfer of management for "The Bistro at 89 Main Street" with the discussed conditions; Mr. Morales seconded; the motion was unanimous.

Mr. Cacciatore closed the public hearing. Mrs. Dunlop and Mr. DiGregorio thanked the Board for their time.

**Public Hearing for Larry Bean, 4 Powwow River Road, East Kingston for a change of use for automotive restoration (MBL 10-03-10).**

Mr. Cacciatore opened this public hearing and asked Mr. Bean to explain his application. Mr. Bean noted 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.

"Redemption Rod & Custom" does auto restoration, mechanical, body work and detailing. They would have outside parking for up to 6 cars. There will be up to 4 employees and they are requesting operating hours of 7:00 am to 9:00 pm, 7 days a week. There will be no additional lighting installed and they will have an approved sign on the building

They will have lacquer thinner, spray cans of primer, cleaners and solvents which will be stored in fire-proof metal cabinets and they would follow the manufacturer's guidelines for disposal. Project cars may have fuel in the gas tanks. At the present time, on site are smoke and heat detectors, fire extinguishers and emergency lighting. All waste will be disposed by the tenant and not impact Town refuse collection.

Mr. Cacciatore asked if the Board or Ms. LaBranche had any questions.

Mr. Morales asked if they would be doing any painting on the premises. Mr. Shaffer answered they would not; they would be subcontracting out the painting of vehicles.

Mr. Moreau asked where they would store the vehicles; Mr. Shaffer noted they would utilize a temporary, portable storage container on the premises to protect the vehicles from moisture and it will be parked at the rear of the property.

Fire Chief Warren stated that they would be subject to an annual fire inspection. He had not inspected this space yet, but had inspected the other tenant's space to make sure it met all fire codes. He will need to do so for this tenant also.

Conditions:

- Approved hours of 7:00 am to 9:00 pm, Monday through Sunday.
- Approved for up to 4 employees.
- Mandated to keep to the 11 items reviewed by the Board from the Site Plan Review process (attached).
- Installation of approved sign.
- Trash disposal will be the responsibility of Redemption Rod & Custom and Mr. Langone.
- An annual inspection from the Fire Department is required.
- Applicant will need to come before the Planning Board for any changes to these approved conditions.
- All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

Mr. Cacciatore asked for **MOTION**

Mr. Morales **MOVED** to approve the change of use for 4 Powwow River Road for an auto restoration, mechanical, body work and detailing dba "Redemption Rod and Custom" with the above conditions as discussed; Dr. Marston seconded. Motion was unanimous.

Mr. Cacciatore closed the public hearing. Mr. Bean and Mr. Schaffer thanked the Board for their time.

Mrs. White will send a notice of decision to Mr. Bean and Mr. Langone.

## **Board Business**

### **Regulation Updates**

Ms. LaBranche is working on these and they will be ready in August or September.

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

Ms. LaBranche noted that as a result of the ZBA's decision regarding Woldridge Lane, the Town Attorney 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 regulation changes will be submitted in a public hearing format in the next month or two, and the proposed changes to the zoning ordinances will be forthcoming in the fall with public hearings and then presented to the voters in March.

### **Danna Truslow and PREP**

Ms. Truslow sent an invitation to the New Hampshire Rivers Council 2015 Meeting on July 30 from 5:30-8:00 pm. Registration is required. There is no charge for attendance, but all donations will be graciously accepted. Refreshments will be served.

### **YMCA Camp**

Mrs. White has been in communication with the YMCA regarding the sign that was not installed in the correct place. The sign location has since been changed and now complies with the Planning Board authorization.

### **Erin Kearney**

Ms. Kearney, Child Care on Powwow River Road, will be moving into the building that currently houses the winery at Mr. Jamieson's property in the near future and wanted to know what she needed to do. There was Board discussion and the consensus was that Mr. Jamieson needed to come to the Board and explain what he wanted to do. He will also need to supply an updated tenant list and an updated water usage table. His next step would then be to contact the Building Inspector for the appropriate permits.

### **Letter for Recusal**

Mr. Morales noted a letter had been received asking him to recuse himself from the Home Occupation discussion on the August Agenda. He had opined at the June meeting that the Board perhaps should not even have accepted the application, thereby saving the applicant \$200, as it appeared the use did not conform with the Home Occupation ordinance. It was the consensus of the Board Mr. Morales did not need to recuse himself.

### **Letter From FEMA**

Ms. LaBranche noted FEMA had conducted some meetings, inviting towns in the Merrimac Watershed to participate in a discovery exercise (risk mapping assessment) to discuss their flood issues which includes areas of concern, where there are repetitive flooding problems, repetitive damage and loss etc.

It will help the community become more aware of and work on flooding issues and problems. Mr. Quintal opined it was a preliminary step to gather local information in preparation for updating the maps. They wanted input from the towns to identify where their trouble spots are. Ms. LaBranche agreed. Mr. Quintal did not think there is any specific zone or area that was a problem area in East Kingston.

Ms. LaBranche offered to coordinate this effort and submit the information if the Town wanted collect data on any claims or FEMA disaster relief they have received. Mr. Quintal stated there were no specific problems he could identify, but noted he did get calls on flood certification from homes along the Powwow River. Banks are now requiring flood certification that their building is above flood levels so they do not have to get flood insurance.

Mr. Quintal opined there are residents who just pay for flood insurance because they are not aware that if they qualify, they could get flood certification for a few hundred dollars if they are not in the flood zone and don't need to get insurance.

Ms. LaBranche will put together some information to post on the website letting residents know where they can find the FEMA flood maps; PDFs of information about what it means to get a flood elevation certificate; and when and where properties would be required to demonstrate that. Ms. LaBranche will get some brochures for the Conservation Commission to offer at Town meeting and some for the Town Clerk's Office.

### **Suggestion to Lower Some Fees**

Mrs. White posed to the Board a suggestion that when applicants come to update tenant information they only be charged per abutter (rounded up to the nearest whole number) + \$10 for newspaper noticing instead of the full application fee. There was discussion and the Board agreed to try it for those items only and see if they make their expenses or not.

Mr. Cacciatore asked for **MOTION**

Mr. Morales **MOVED** to approve the change of fees for updating of tenant information to a fee charge per abutter (rounded up to the nearest whole number) + \$10 for newspaper noticing; Dr. Marston seconded. Motion was unanimous.

### **Fee Question**

Mr. Quintal asked why East Kingston has a flat fee for noticing and not just a fee for abutters. Mr. Morales noted that several years ago it was ascertained it would be easier all around to have the flat fee.

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

There will be a Home Occupation application next month for a body shop, and Mr. Jamieson will be coming for changes to his building and tenant locations at Powwow River Road.

### **ADJOURNMENT**

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

The meeting was closed at 8:50 pm. The next Planning Board meeting will be August 20.

Respectfully submitted,

*Barbara White*

Planning Board Secretary

Minutes approved August 20, 2015

Mr. Cacciatore, Chairman