

TOWN OF EAST KINGSTON, NH  
PLANNING BOARD MEETING MINUTES  
July 17, 1997

FILE

AGENDA

8:00 Howard George - 96 Depot Road - Home Occupation - Public Hearing  
8:30 Clint Furnald - 19 Stagecoach Road - Discussion

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson - Vice Chairman, James Roby Day, Jr. - Ex-officio, Catherine George, and Alternate Robert Nigrello.

Absent: Dr. Robert Marston and Alternate Beverly Fillio.

Others attending: Lawrence K. Smith - Conservation Commission Chairman, Sarah Campbell - RPC Circuit Rider, Glenn P. Clark - Building Inspector, Howard & Mary George, and Clint Furnald.

Chairman Smith called to order this July 17th, 1997 public planning board meeting at 7:34 p.m. with the roll call. He designated Robert Nigrello to vote in the absence of Dr. Marston.

June 19, 1997 Planning Board Minutes:

MOTION: Mrs. George motioned to approve the June 19, 1997 Planning Board Minutes as presented. Mr. Johnson second. The motion passed 5-0.

June 25, 1997 Planning Board Minutes:

MOTION: Mr. Day motioned to approve the June 25, 1997 Planning Board Minutes as presented. Mrs. George second. The motion passed 5-0.

Gas Pipeline: Mr. Day stated that he attended the July 15, 1997 RPC Pipeline meeting. Discussed at the meeting was each town's concerns regarding the proposed pipeline. He said that East Kingston's concern was the crossing of the Powwow River. It was explained that a trench would be dug and the pipeline pulled through.

Mr. Day further stated that there has been no indication of contact between the pipeline companies and any East Kingston land owner. The pipeline companies have not yet addressed how they will cross Norm Freeman's land with his barn, the existing pipeline and the cemetery as obstacles, or the crossing of Dr. Marston's property with his well as an obstacle.

Mr. Day informed the board that only two isolation valves are proposed for installation in New Hampshire. One in Newington and the other at the Massachusetts border. The Board of Selectmen are not happy with this as it poses a safety concern to East Kingston residents. When Mr. Day expressed his discontent with these isolation valve location, he was told it was regulation.

Correspondence: Chairman Smith acknowledge the following correspondence:

1. Copy of TBG application prepared by Sarah Campbell. The matching grant is for \$2250 RPC Funds and \$2250 East Kingston's portion. Project description: preparation of the Future Land Use, Goals, and Objective chapters of the Master Plan. The board is awaiting the results of the application which was submitted July 10, 1997.
2. Copy of letter submitted to Walt Pierce regarding the school's input to the CIP.
3. Letter from Chairman Berridge to: Chief of Police, Cemetery Trustees, Library Trustees, Highway Agent, EM Director, Town Clerk/Tax Collector, Treasurer, Building Inspector, Animal Control Officer and Chairman of the following committees and boards: Recreation, Elementary School, Solid Waste, Historical, and Recycling reminding them of the need for their CIP input. It was noted that input has been received from the Fire/Rescue Department, the Library, Animal Control, Elementary School, and the Conservation Commission.

**Work Session:** The board agreed to meet on July 23, 1997 at 7:00 p.m. in the Conservation Commission Office located at the Town Offices for a work session. The agenda will include the CIP. The board needs to begin assembling proposed projects for CIP consideration. Once the school's table is complete and the 6 year projected projects written, the CIP will be almost complete.

At this time Mr. Day informed the board that the ZBA held a public hearing for Gilbert Bioteau on July 10, 1997. The hearing was for an Equitable Waiver from Dimensional Requirements. Mr. Bioteau was proposing to live in a building on his property that was less than 800 sq. ft. in floor area. This building was not the main house. It was understood that this waiver would be granted provided the house was decommissioned. The Town was aware Mr. Bioteau had been residing in this building since 1980.

Mr. Day continued to say that the Planning Board may need to think more like a lawyer when writing or amending a town ordinance. At the ZBA hearing, an attorney argued the definition of a dwelling and a residence. Although the planning board understands it's intentions of a definition, others may argue its interpretation.

**Howard George - Home Occupation at Public Hearing:** Chairman Smith opened the public hearing for Howard George at 8:00 p.m. Mr. George is proposing to operate a farm stand which will include the sale of garden statues located at 96 Depot Road MBL # 4-2-13.

Mrs. Catherine George explained the scope of the business at the 96 Depot Road location. Currently, she, her husband and daughter sell produce and plants. It is their wish to include the sale of garden statuettes and lawn ornaments.

Mrs. George then addressed the home occupation ordinance as follows:

1. This proposal would be considered a permitted use as described in 10.5.9 *Art, craft, hobby, and antique shops.*
2. 10.3.1 - The painting of statuettes will be done outside or inside the home.
3. 10.3.2 - The craft projects will not have a separate sign. This is incidental to the selling of produce and plants.
4. 10.3.3 - No commercial vehicles.
5. 10.3.4 - The driveway can accommodate 4 cars not including their own vehicles.
6. 10.3.5 - Mary and Howard, both residents of the premises will operate the stand.
7. 10.3.6 - No fumes, smoke, dust, odor, noise, gas, lights, or refuse matter will be emitted.
8. 10.3.7 - Customers come and go at different times thus no hazardous traffic conditions will be created.
9. 10.3.8 - Less than 25% of gross floor space will be used in the operation of the stand.
10. 10.3.9 - There are no non-resident employees.

At the inquiry of the board, Mr. George stated that he and Mary will be mixing their own cement to make the statuettes. This is done by using a Quik Crete solution and a wheel barrow (or a small cement mixer). Mary will paint the ornaments. He then displayed samples of the garden ornaments and statuettes to be sold.

Mr. Day asked Mrs. George if she, as a planning board member, could imagine any restriction the board may want to levy on the business. She responded none.

She explained that this is a craft for her daughter, and an opportunity to sell it. She also stated that there are no set hours of operation. This portion of the farm stand is considered "Mary's Creative Crafts" though no additional signage will be used.

**MOTION:** Mr. Day motioned to recommend the Selectmen APPROVE Howard George's application to sell lawn and garden ornaments and statues along with the sale of produce and plants at the establishment known as "The Lilac Patch Farm" located at 96 Depot Road, MBL# 4-2-13. Mr. Nigredo second. The motion passed 4-0, (Mrs. George abstained).

**Clint Furnald - Discussion - 18 Stagecoach Road:** Chairman Smith opened discussion for Clint Furnald at 8:11 p.m. He stated that the board is in receipt of a letter from Mr. Furnald outlining questions for MBL# 12-3-4.

Mr. Furnald stated that he was looking at different proposals for this lot as it is less than 2 acres. He then addressed his questions as follows:

1. Can he move the house to a different location on this 1.4 acre lot?

Building Inspector Glenn Clark stated that the house is grandfathered as it was built prior to the adoption of the 2 acre minimum lot size requirement. Any changes to this lot must meet today's requirements. Once the house is lifted off it's foundation, the lot becomes a non-buildable lot by reason of its size.

He further explained that renovations are not a problem, but the relocation of the dwelling is. Building permits are needed to renovate. He added that there may be septic concerns as well. Once the house is moved, the septic system may have to be updated to meet today's requirements.

He stated to replace a septic system in the same spot, the application need only go through the building inspector and not the state. If setbacks cannot be met, then relief may be sought via the ZBA.

It was explained to Mr. Furnald that denial of a building permit may constitute grounds to apply to the ZBA, however, proposal plans must be presented to the ZBA as well as a request for variance from specific town requirements.

Mr. Furnald inquired about the planting of trees along the property line by the road. He also asked who is responsible for maintaining Stagecoach Road.

The board directed Mr. Furnald to seek such answers from the road agent.

Mr. Furnald stated that the house has an in-law apartment and asked if it can still be used. He stated the in-law apartment was advertised as a selling point. It was not clear to the board if the apartment is legal in the town's eye. It appears that the in-law apartment was constructed many years ago, possibly before such this restriction was adopted.

Mr. Furnald thank the board for their time in answering his questions.

**Lee Stone- Rowell Cove Road:** Mr. Clark stated that Mr. Lee Stone currently owns property on Rowell Cove Road. The property consists of a lot approximately 80' x 100' with a seasonal camp on it. Mr. Stone wants to make this camp a year round home. Mr. Clark stated that he told Mr. Stone the lot was too small to construct any additions. Mr. Stone then purchased the lot next door. Even combining both lots now owned by Mr. Stone, the total parcel is less than 2 acres.

Mr. Clark asked the board if Mr. Stone had to go through the process of a lot line adjustment to combine the two lots. Also, the lot with the camp is in his name, the newly acquired land is in his and his wife's name, who will own the newly merged parcel?

The board stated that the town ordinance provides for volunteer merger. See article VI. F. It was noted that the deed would need to be re-written to one or both of the owner's names.

**FLUAC:** Mr. Johnson informed the board that the FLUAC met last week. Town-owned structures and buildings, with the exception of the Town Offices and the Town Hall have reached their capacity. The emphasis is on the possible purchase of the Kennerly property for municipal use. The committee has only held 3 meetings.

He continued to explain that Larry Smith and Jim Nupp are working on town-owned land and its value. He stated the fire house is not town-owned, but owned by the fire association. The pavilion and part of the field at Foss-Wasson is also owned by the fire association as is the foot print of the fire house.

**MOTION:** Mrs. George motioned to adjourn. Mr. Johnson second. The motion passed 5-0 and this July 17, 1997 public planning board meeting ended at 8:43 p.m.

Catherine Belcher  
Secretary

Minutes completed and on file July 18, 1997.