



PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2003-2004:
James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman

MINUTES
(Regular Meeting of 17 July 2003)

AGENDA:

- 7:00PM- Board Business
- 7:15PM- Discussion only with Mr. Bob Anderson & real estate client regarding commercial district property at 4 Powwow River Road, the intersection of NH routes 107 A & 108
- 7:45PM- Discussion only with Mr. David Shea, 12 Greystone Road, regarding Planning Board procedures
- 8:15PM- Board Business
- 8:30PM- Adjournment

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:05PM.

ROLL CALL: Mr. Day called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Mr. JL Fillio, ex-officio, Dr. RA Marston, DVM, Vice Chairman RA Smith, Sr.
Alternate members present – Mr. JD Burton, Mr. EV Madej
Advisors present – Ms. Maura Carriel, Rockingham Planning Commission (RPC)
Mr. Kent Shepherd, Building Inspector
Mr. Larry Smith, Chairman, Conservation Commission
Fire Capt. Andy Conti, Fire Department

Voting member- Mr. Day noted that July is an odd month, and thus, the alternate member to vote in the event a member steps down, barring other considerations, shall be Mr. Burton.

BOARD BUSINESS:

Minutes-

MOTION: Mr. Fillio **MOVED** to accept the minutes of the 19 June 2003 Planning Board regular meeting as written. Mrs. Belcher seconded, and the motion carried unanimously.

Mr. Day noted that Fire Capt. Conti had been referred to as "Fire Lt. Conti" in the minutes, and the error shall be corrected.

Correspondence-

1. The Board was apprised of the notice for the Office of State Planning (OSP) annual Fall Planning & Zoning Conference at Plymouth State University in October 2003. Mr. Day indicated when he received other information regarding agenda and registration, he will share it with the Board.
2. Mr. Smith presented a flyer from the NHDES entitled "The Source" which addresses the NH Water Source Protection Program. Of interest is material describing the care and maintenance of septic systems, and source protection grant application information. Mr. Day stated he would provide copies to members.

Conservation Commission- Mr. Larry Smith informed the Board that Ms. Theresa Walker, Rockingham Planning Commission (RPC), will be contacting the Planning Board to address issues regarding the future of local water quality. Mr. Smith briefly discussed the expected future growth in East Kingston as predicted by growth and demographic models, noting that East Kingston may grow at a rate of 36% between now and A.D.2025, according to current planning and statistical prognostications.

Mr. Smith noted that his RPC Commissioner appointment term expires in August 2003. He expressed an interest in being re-appointed for one more four-year term, if the Planning Board wished to recommend him to the Board of Selectmen. Everyone cheered.

MOTION: Mr. Fillio **MOVED** the Planning Board recommend to the East Kingston Board of Selectmen that Mr. Lawrence K. Smith be appointed as RPC Commissioner for a four-year term. Dr. Marston seconded, and the motion carried unanimously.

DISCUSSION ONLY WITH MR. BOB ANDERSON & REALESTATE CLIENT REGARDING COMMERCIAL DISTRICT PROPERTY AT 4 POWWOW RIVER ROAD (MBL 10-3-10), THE INTERSECTION OF NH ROUTES 107A & 108.

For the inquirer – Mr. Bob Anderson, *Rush Prudential Realty*, Exeter, NH. Mr. Anderson introduced Mr. Bill Dymant, a businessman from Brentwood, NH., who is committing to the purchase of the Larry M. Bean property, MBL 10-3-10, located in the Commercial District. Mr. Dymant described a plan he would like to propose wherein he himself would occupy the existing residence on the property, and use the existing “red barn” to eventually house two commercial enterprises.

Mr. Day read from Zoning Ordinance **ARTICLE IV-COMMERCIAL DISTRICT** Paragraph B. **Uses Also wtd.** He noted that the ordinance provision appears to have been written with a very broad brush, giving the Planning Board some latitude to interpret whether a proposed use conforms to the Town’s zoning intentions.

The first business Mr. Dymant proposed to start would be the warehousing of vinyl siding for buildings to be used off-site. He anticipated working hours for the business to be 7:00AM to 4:30PM, Monday through Friday, with a panel truck or tractor trailer vehicle making 3 to 4 arrivals/departures per week.. Mr Dymant explained that his present business, *Short’s Supply*, 404 Route 125, Brentwood, continues to grow, and present facilities are inadequate.

The second business Mr. Dymant proposed to start would be a rubber fabrication and distribution center, also to be located in the “red barn”. He indicated the business would mirror his present businesses in Seabrook, NH, and Merrimack, MA, the former firm known as “*Manufacturer’s Rubber and Fabrication Supply*”, and would involve the machining of rubber blocks into thin sheets suitable for making gaskets, and like industrial applications.

Discussion ensued with Mrs. Belcher asking specific questions about the kinds of rubber and chemicals Mr. Dymant would use. She also indicated it would be appropriate for Mr. Dymant to provide a list of products he expected to produce, to which he did not object. Mr. Burton asked about the manufacturing process itself, Mr. Fillio asked for vehicular traffic details, hours of operation, and the number of employees. Mr. Madej asked about the disposal of scrap materials.

Responding to each in turn, Mr. Dymant indicated there would be no production of rubber itself, but only the machining of it, and without the use of toxic chemicals. Scrap materials would be placed in a dumpster hired for that purpose. He iterated the proposed hours of operation for the two businesses, and noted there would be, at most, one or two part-time employees. Vehicular traffic would likely be a panel truck or tractor trailer in and out of the premises 3 to 5 times a week. Mr. Dymant invited the members to visit his present business sites to see first hand the proposed East Kingston businesses, indicating he could be reached at 603.474.9008.

Ms. Carriel noted that the list of permitted uses in the Commercial District are indeed rather broad, and she could find no obvious objection to Mr. Dymant’s proposals.

Mr. Shepherd enquired as to where vehicular traffic would likely enter the property. Mr. Dymant thought that the existing access from Haverhill Road would be the most sensible.

Mr. Fillio asked if Mr. Dymont intended to change the outward appearance of any of the buildings, and Mr. Dymont did not think that would be necessary.

Mr. Day noted there were members of the public who might have questions, and invited comment.

Mrs. Susan St. Martin, 5 Burnt Swamp Road, asked about the nature of the businesses, vehicular traffic size and frequency, and proposed signs. Mr. Dymont felt that there would be a rather limited need for signs, except for identifying the location itself to facilitate business traffic.

With no further questions or issues to be addressed from the public and the Board, Mr. Day informally polled the Board for an opinion as to whether the proposed uses conformed to East Kingston's zoning ordinances and regulations. There being no dissent, Mr. Day closed the discussion, suggesting Mr. Dymont go forth and consider an application for site plan review.

DISCUSSION ONLY WITH MR. DAVID SHEA, 12 GREYSTONE ROAD, EAST KINGSTON, REGARDING PLANNING BOARD PROCEDURES.

Mr. Shea stated that he and his neighbors would like to be proactive in view of what they believe to be a land developer's intention to build a road to intersect with Greystone Road. He further indicated that he and his neighbors are opposed to any such development in their neighborhood.

Mr. Day stated unequivocally that the Planning Board has no knowledge of any proposed development in the Greystone Road area, and cannot, and will not, discuss any suspected plan which may, or may not, come before the Board. He emphasized that this discussion can only address what the Planning Board procedures are for examining any and all subdivision and site plan proposals.

After some further discussion about Planning Board jurisdiction, lot sizes, and drainage from roads onto properties, Mrs. Belcher described to the public in some detail the Planning Board's procedures wherein an application for subdivision or site plan is received, reviewed, accepted for a public hearing, and ultimately approved or disapproved. She noted that for such public hearings, all abutters are notified of the hearings, and during the hearing process, must be afforded an opportunity to comment and ask questions. She also noted that the Board relies on the professional expertise of specialists in the fields of law, engineering, planning, and design in order to ascertain whether any proposed plan conforms to East Kingston zoning ordinances and regulations, as well as New Hampshire statute.

Mr. Day closed the discussion, encouraging the public to consider the suggestion they obtain copies of East Kingston's zoning ordinances and regulations. By doing so, they can best understand the legal framework within which the Planning Board functions.

CONTINUED BOARD BUSINESS:

Lighting Regulations- Ms. Carriel presented material plucked from OSP literature and RPC boilerplate which addresses lighting as an ordinance and regulation subject. The OSP material is a minimalist approach to regulation, and the RPC is highly detailed in its requirements and parameters.

Mr. Day noted the Board has been asked frequently by applicants to waive the Site Plan Review Regulation Section VIII.F.4. Lighting restriction on maximum foot-candle illumination level. The Board has acknowledged that the restriction is unrealistically defined, and Mr. Day asked the Board to acquaint themselves with Ms. Carriel's material in order to address it either at a future working meeting, or a meeting with a short agenda.

Home Occupation permits- Mrs. Belcher had previously noted that Zoning Ordinance ARTICLE XVI - HOME OCCUPATIONS does not address the number of home occupations permitted at a single residential location. Discussion ensued with the tenor of opinion from Board members being that multiple home occupations at the same location may give the appearance of commercial activity.

Mr. Fillio expressed his opinion that to avoid a commercial appearance to a property not in an area zoned for commercial use, we should limit the number of home occupations to one per residence.

Mr. Burton thought perhaps we should endeavour to distinguish commercial activity more clearly from home occupations.

Mrs. Belcher informed the Board she had to leave the meeting, and Mr. Day suggested the Board give serious thought to the home occupation question, and plan to address it at a future working meeting.

Planning Board Budget- Mr. Day noted that, to date, the Board is approximately \$5 100.00 under-spent in our annual budget. The status of our requested Targeted Block Grant for the Master Plan Housing Chapter which would cost \$1600.00 is still uncertain.

Plan Approvals Status- Mr. Day drew the Board's attention briefly to a summary of outstanding subdivision and site plan application files and conditional approvals.

Mylar Recording- Mr. Day posed the Board a puzzle. The Registry of Deeds, Rockingham County, bills the Town for copies of mylars which have been recorded, and the Town received such a bill for four mylars recorded for the Cricket Hill development. The mylars in question were marked as "AS-BUILT SITE PLAN", and had been recorded by Mr. Robert Fryer, Esq., attorney for *Lewis Builders Development, Inc.*

Discussion ensued about whether it is appropriate for someone other than an official East Kingston representative to be recording any such documents. Mr. Smith stated that the Registrar was not complying with a letter the Planning Board had sent some years ago directing the Registry of Deeds NOT accept any mylar for recording without a Planning Board member signature.

Mr. Day agreed that a letter to the Registrar of Deeds would be forwarded reiterating that guidance.

East Kingston Zoning Ordinance ARTICLE IX-LOT AREA AND YARD REQUIREMENTS – Mr. Day asked the Board to interpret paragraph D. of the article, to wit: "*A building lot shall have no more than one single family residence, commercial establishment or manufactured housing thereon*" Mr. Day contended that the intent herein could be confusing insofar as what precisely is proscribed. Board members generally agreed the wording should be clarified, suggesting it be a topic for a future Planning Board work session.

Taylor Way Town Engineer Reviews- Conservation Commission Chairman Smith asked when dramatic changes in site plans such as the retaining wall on Taylor Way for the road cut would trigger the requirement for another site plan review.

Mr. Smith also suggested that East Kingston's subdivision regulation's requirement for a 50 foot wide road right-of-way was too wide for some applications, e.g. short cul-de-sacs like Taylor Way.

ADJOURNMENT:

MOTION: Dr. Marston **MOVED** the Board adjourn. Mr. Fillio seconded, Mr. Smith thirded, and the motion carried unanimously at 8:42PM.

Respectfully submitted,

James Roby Day
Minutes approved _____