

TOWN OF EAST KINGSTON, NEW HAMPSHIRE
PLANNING BOARD MINUTES

July 18, 1996

FILE

AGENDA

7:45 James & Christa Thistle - Preliminary Discussion - Home Occupation
8:30 NYNEX - Public Hearing- Site Plan Review
9:00 Ronald J. Pica -Preliminary Discussion - Subdivision

Planning Board Members Attending: Richard Smith - Chairman, J. Roby Day - Ex Officio, Ed Johnson, Catherine George, Dr. Robert Marston, and Beverly Fillio - Alternate.

Absent Planning Board Members: Madeline Marshall - Alternate and Robert Nigrello - Alternate.

Others Attending: Glenn Clark - Building Inspector, Lawrence Smith - Conservation Commission Chairman, Sarah Campbell - RPC Circuit Rider, Mr. & Mrs. James Thistle, Margaret Goudreau, Barbara Houck, Ronald J. Pica and Larry Dolan.

Chairman Smith called to order this July 18th, 1996 Planning Board meeting at 7:40 p.m.

Agenda Schedule: Mr. Day suggested that the Planning Board not schedule any appointments before 8:00 p.m., thus giving the board time to prepare for such appointments as well as conduct any board business it deems necessary.

MOTION: Mr. Day motioned to establish a procedure by which the Planning Board would accept the scheduling of appointments no sooner than 8:00 p.m. to allow one half hour for board business. Mrs. George second. The motion passed unanimously. (5-0)

James & Christa Thistle - Preliminary Discussion - Home Occupation: Mr. James Thistle explained that when he and his wife originally purchased their home, they were told that they could operate a home business and stable horse (s) at it. Since that time, he has received a letter from the Selectmen's Office stating that any business being conducted from that location must cease and that the Thistle's must apply for a Home Occupation permit by way of the Planning Board.

Mr. Thistle continued to say that he was not aware, [before receiving the letter from the selectmen] that a Home Occupation permit was necessary and that he was before the board this evening to discuss the process and if in fact, his wholesale enterprise was an allowed use.

Mr. Thistle described his business as a Automobile Wholesale enterprise which is conducted completely within the home. The total home measures roughly 10,000 square feet, with the area designated for his business about 3,200 square feet. He stated that his driveway has been paved to accommodate any (very light) traffic that his business may generate.

He continued to explain that in his automobile wholesale business, 90% of the automobiles are sold to dealers and the other 10% is sold through retail. He stated that he buys from auctions and private sales and does not repair or overhaul any vehicles at his premises.

Mr. Thistle also stated that he is licensed by the Department of Motor Vehicles as a wholesale dealer. He went on to explain that the traffic flow would be extremely light as customers were seen by appointment only.

Mr. and Mrs. Thistle then explained the relationship between themselves and a neighbor, stating that they have received threats of violence against themselves and their children. They continued to explain that this particular neighbor has made several false complaints to the selectmen and police regarding their home, visitors and dog.

Mr. Thistle further explained that he was concerned that these falsehoods said against himself and his family would affect his chances of receiving a Home Occupation permit.

Mr. Day stated his concern that an automobile wholesale business does not fit into the permitted uses allowed in Article X of the Zoning Ordinance.

Mr. Day also stated that it appears the Thistle's are using 32% of the property for the enterprise when only 25% is allowed.

Mr. Thistle responded that he could easily comply with the 25% allowed space and still conduct his business. He further stated that it was understandable if an automobile wholesale enterprise is not a permitted use, but that the business not being allowed because of ongoing issues with one particular neighbor would not be.

Mrs. Thistle inquired if the Planning Board could issue a variance for this business to be permitted.

Mrs. Campbell stated that usage does not fit the intent of the ordinance. She further stated that the Thistle's could still apply for a Home Occupation permit. Should the Planning Board not recommend it's approval, the Thistle's may seek an Administrative Appeal by way of the Zoning Board of Adjustment.

At this time Mrs. Thistle directed the board's attention to an issue of constructing a 24' x 24' two stall barn on the premises as was discussed at the May 16th Planning Board meeting.

Mrs. Thistle stated that the board had instructed her to get her entire property soil surveyed before a building permit could be issued as maps indicate the area for the proposed barn is located on wetlands. She continued to say that the cost of such a survey is estimated at about \$2,000 and inquired if the Board would consider an on-site inspection of the property to determine the wetland boundary.

The board agreed that an inspection of a test hole and recommendation by the Conservation Commission Chairman, Lawrence Smith would be acceptable for the review of a building permit application for a proposed 24' x 24' two stall horse barn.

NYNEX- Public Hearing - Site Plan Review: Chairman Smith opened the public hearing for NYNEX at 8:35 p.m.

Ms. Barbara Houck of James Verra and Associates stated that she was representing NYNEX on behalf of Mr. Blaine Hopkins. She then explained the proposed site plan as the installation of a 11' x 17 1/2' precast cement structure on an easement located at 58 Willow Road, (owners of record: Ernest & Margaret Goudreau).

Ms. Houck continued to explain the project as a digital fiber optic switching station that will upgrade the current system of analogue to digital and copper to fiber optic. This project is expected to accommodate the more modern technological telecommunications network throughout the East Kingston area.

The proposed installation, once complete will receive two one hour visits a week from technicians. This project will not emit any smoke, dust, or hazardous waste. There will be no exterior lighting or signs. The building will be heated and air conditioned during the year. The landscaping will be chosen by the property owner.

At any time the building becomes obsolete, it will be removed and the easement will be returned to the property owners.

Ms. Houck went on to say that there are 70 existing sites in the area [noting that only a Portsmouth site as being completed]. She further explained that two easements (50 ft. x 50 ft. and a 10 ft. surrounding easement) have been obtained.

Dr. Marston inquired about the future of an existing New England Telephone service station located on Giles Road and how this newly proposed station affects it.

Ms. Houck stated she had no knowledge of the Giles Road service station.

MOTION : Dr. Marston motioned to approve the application for Site Plan Review: to install an 11' x 17 1/2' digital fiber optic switching station on an easement located on MBL# 8-2-2 subject to the following condition:

Receipt of a letter from NYNEX indicating it's intent of the future use of an existing New England Telephone service building located at 29 Giles Road, East Kingston, MBL# 16-2-8.

Mrs. George second. The motion passed unanimously. (5-0)

It was noted that the letter and mylar should be submitted to the Selectmen's Office for approval and signature.

Ronald J. Pica - Preliminary Discussion -Subdivision: Mr. Ronald J. Pica of R.J. Pica Engineering stated that he was representing Mr. Larry Dolan who has a purchase pending of 118 South Road, MBL# 13-1-2.

Mr. Pica went on to explain that the property is 5.4 acres and it is Mr. Dolan's intentions to subdivide the property into three lots. He noted that each lot would have 200 ft. of frontage and that two lots would have two acres each. It is the intention of Mr. Dolan to purchase enough property from an abutting property owner, combine it with the remaining lot to satisfy the minimum two acreage requirement [for that remaining lot].

Mr. Pica noted that the abutting property owner is Mr. Peter Boucher and that Mr. Boucher has not yet been approached with this proposal.

Mr. Pica then stated that he had two concerns about the proposed subdivision. The first being that the existing house on the property does not meet the town setback requirements. He inquired if the Planning Board would accept this as a house lot or if this needed to be addressed by the Zoning Board of Adjustment.

Chairman Smith stated that the Planning Board could not make that decision until a full survey of the property was conducted.

Mr. Pica responded that the property was surveyed two years ago by S & W Landtech and that he was trying to contact them for those plats.

Mr. Pica then stated his second concern being that in the intention of purchasing .75 acre [from the abutting fifty acre parcel] to combine with the remaining lot [to meet the two acre lot minimum], would the Planning Board allow this combination of lands to be handled as a lot line adjustment or would Mr. Dolan be required to survey the full fifty acres.

Mrs. Campbell stated that surveying the full fifty acres was not necessary but at a minimum, Mr. Pica should survey two acres that will abut the newly proposed subdivision and the surrounding abutting property noted as MBL# 13-1-1 and that the planning board cannot approve lots that do not meet the frontage and lot size requirements of the zoning ordinance.

Mr. Pica stated that if his attempt to purchase the .75 acres needed to create the third lot is unsuccessful, then Mr. Dolan will only subdivide the property into two parcels [incorporating the remains of the intended third lot into one of the two created].

At Mr. Pica's inquiry, Mrs. Campbell stated that the definitive plot plans are recorded at the Registry of Deeds.

Mr. Pica was then informed that an application for subdivision needed to be submitted to the Selectmen's Office no later than the 6th of August to be placed on the August 22nd agenda.

It was noted that the regularly scheduled Planning Board meeting of August 15th would be rescheduled to August 22nd because of EOC Training.

Targeted Block Grant Update: Mrs. Campbell stated that she has submitted an application for \$6,000 [\$3,000 from RPC and \$3,000 EKPB] to the Rockingham Planning Commission.

Town of East Kingston Land Use Map: Mrs. Campbell presented the board with a revised copy of the Land Use Map. The board reviewed and noted additional corrections.

Bylaws of the Planning Board: As Mrs. Campbell had indicated at the previous planning board meeting, she would update the current but outdated bylaws of the planning board. She distributed such copies to the board members for their input and suggestions to be taken up at the next planning board meeting.

June 4, 1996 Work Session and June 27, 1996 Planning Board Meeting Minutes:

MOTION: Dr. Marston motioned to accept the June 4, 1996 and the June 27, 1996 Planning Board minutes as presented. Mrs. George second. The motion passed unanimously. (5-0)

MOTION: Dr. Marston motioned to adjourn. Mr. Johnson second. The motion passed unanimously and this July 18th, 1996 Planning Board meeting closed at 9:52 p.m.

Respedfully submitted.

Catherine Belcher
Secretary