



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

2013-2014  
Joe Cacciatore, *Chairman*  
Dr. Robert Marston, *Vice Chairman*

**MINUTES**  
Regular Meeting 18 July 2013  
7:00 pm

**AGENDA:**

- ◆ **Call to Order**
- ◆ **Continued Public Hearing** for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.
- ◆ **Continued Public Hearing** for Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09.
- ◆ **Discussion** with Randy Cofske, A-1 Auto, 213 Haverhill Road, light industrial park in regard to signage.

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

**ROLL CALL:** Mrs. White called the roll.

**Members Present:** Chairman Mr. J. Cacciatore, Mr. J. Bath, and Ex-Officio Mr. R. Morales. Vice Chairman Dr. R. Marston and Mr. C. Delling were not in attendance.

**Advisors present:** Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche, East Kingston Building Inspector Mr. J. Moreau, East Kingston Assistant Building Inspector Mr. T. Welch.

**Others Present:** Applicant's Mr. & Mrs. Bradley Jamieson; Mr. Jamieson's representative, Mr. Dennis Quintal, Licensed Professional Engineer; and Mr. & Mrs. Randy Cofske.

**Board Business**

**Minutes**

The Board came to a consensus to postpone approval of the June minutes until the August meeting when more members would be present.

**Continued Public Hearing for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.**

Mrs. White reported a letter had been received from an attorney for Maplevale Builders stating they have appealed the Planning Board decision to deny the request to waiver of the cul-de-sac length limit regulation to the Rockingham Superior Court and ask the Public Hearing be continued until the Court has determined whether to review the Board's decision.

**MOTION:** Mr. Cacciatore **MOVED** to continue the Public Hearing for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.  
Mr. Bath seconded; the motion was unanimous

Mr. White reported they have also submitted a letter waiving the requirement for Planning Board action within the time periods specified in RSA 676:4(1)(c) and Maplevale Builders, LLC consents to an extension of as many days as is necessary for the Superior Court to rule on Maplevale's appeal.

**MOTION:** Mr. Bath **MOVED** to accept the waiver of the Planning Board requirement for action and extension of the timeframe period for many days as is necessary for the Superior Court to rule on Maplevale's appeal. Mr. Cacciatore seconded; the motion was unanimous.

This hearing will be continued until the Court has made a decision in the matter. Ms. LaBranche noted the criteria has changed, and opines they are applying under the new criteria.

**Continued Public Hearing for Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09.**

Mr. Cacciatore opened this continued public hearing and invited Mr. Jamieson's representative, Mr. Dennis Quintal to update the Board on the status.

Mr. Quintal stated there have been no changes to the plan since the last meeting. Comments from the Circuit Rider and the Town Engineer have been received but not yet addressed. Mr. Quintal will supply an existing conditions plan for the site; the Board had no issues with him contacting the Town Engineer directly. The ZBA hearing on the discrepancy with respect to the septic system setback was continued until next month and will not take place until after the August Planning Board Meeting.

Ms. LaBranche had been in contact with both Jennifer Mates and Dawn Buker (DES) and had received the information needed regarding the septic and water supply. There was discussion on the current water usage in regards to the number of tenants. Mr. Jamieson noted that for the day care, only children of certain ages were counted by the State as users due to their ages. He acknowledged that once the site became a public water system, water testing would need to be performed on a scheduled basis. Mr. Jamieson noted the current usage was less than 100 gallons per day.

Ms. LaBranche was concerned in regard to the vacant spaces left for rent at Mr. Jamieson's property, and noted it would be necessary for Mr. Jamieson to submit an updated usage table which included any new proposed tenants with their application so the Board could ensure the capacity was not being exceeded. Mr. Jamieson acknowledged he would submit the table.

Mr. Jamieson and Mr. Quintal have a meeting on Monday with the State.

Mr. Quintal noted as well as creating a free-standing table of usage for submittal to the Board to accompany new applications, he will create additional columns for tenant information so the Board has business names and contact numbers.

The Board came to a consensus that the occupancy permit could be issued for the greenhouse as all the required information had been received.

Mr. Jamieson was of the belief he was also here tonight for approval as a tenant himself of the greenhouse, which would afford him the ability to operate the greenhouse with the option to have a future tenant come in and operate under a similar use without the need to come back before the Board. No application had been received for Mr. Jamieson as tenant, so therefore this matter could not be addressed this evening. It could be utilized for his own use growing plants until he planted them in the ground as it was his property, but not operated as a business until the Planning Board approved the use.

Mr. Jamieson will complete a change of use application and this will be placed on the August agenda. He was informed that he was correct in his assumption he would not need to come back before the Board if he acquired a different tenant who would conduct the same type of business as it was not a change of use. The Board asked if Mr. Jamieson would supply the Board with new tenant contact information so they would have an up-to-date list for the site. Mr. Jamieson agreed.

Ms. LaBranche reminded Mr. Jamieson he would need to also provide an updated Building Use/Flow chart which includes the greenhouse so the Board could track usage with his application.

Mr. Moreau wanted to know if whether he is permitted to issue occupancy permits other than the greenhouse. The Board noted he could issue the occupancy permits for the rest of the building, but prospective tenants would need to contact the Board for a Public Hearing before approvals were issued for tenants.

Ms. LaBranche reviewed they were waiting for a response from the subsurface bureau in regard to the setback for the septic system. Mr. Quintal will make any required revisions to the plan in respect to the Town Engineer's review comments.

**MOTION:** Mr. Cacciatore **MOVED** to continue Public Hearing for Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09 to August 15; Mr. Bath seconded; the motion was unanimous.

Mr. Jamieson thanked the Board for their time.

**Discussion with Randy Cofske, A-1 Auto, 213 Haverhill Road, light industrial park in regard to signage.**

Mr. Cacciatore invited Mr. Cofske up the front to speak to the Board. Mr. Cofske explained he had received notification from the Selectmen regarding the unapproved sign and had arranged to be put on the Board's agenda for discussion regarding the issue.

Mr. Cofske stated he had called both the Planning Board secretary and the Selectmen's Office and offered to immediately remove the sign. He was told his best plan of action was to be placed on the agenda to speak to the Planning Board and not take any action until there was discussion by the Board on the issue.

Mr. Cofske noted he had received prior Planning Board approval to include vehicle refurbishment along with his existing business. As he is now considered a vehicle dealer, Title XXI, Ch. 259 -a.III.(c) from the Motor Vehicle bureau (a copy was submitted to the Board and is attached to the minutes) explicitly states that *"The business location clearly and conspicuously displays the business name of the dealer in letters no less than 10 inches in height, unless prohibited by local zoning; such business signage shall be clearly visible from a traveling vehicle on the adjacent public way, unless an obstruction exists which cannot be remedied."*

He had immediately contacted the business park owner for permission to install a sign with 10" lettering at the front entrance of the business park following the mandate of the motor vehicle bureau, which he obtained. He also contacted Dig Safe and they indicated the present location where the sign is installed is the only place to position the post for the sign due to underground utilities and a gas line right-of-way. Mr. Cofske installed the sign. He noted now that passersby and customers can actually read the sign and know where his location is in the park, his business has increased tremendously. Neither the industrial park owner nor Mr. Cofske had noticed the phrase *"unless prohibited by local zoning"* on Title XXI, or they would have contacted the Town to find out what the restrictions were.

He was here before the Board tonight for direction on how to remedy the situation

Mr. Morales reviewed the sign ordinance. It was pointed out to Mr. Cofske that his extra sign as it stands is prohibited by local Zoning Ordinance under Section VIII Paragraph 5 and the multi-business signage was the only one approved for the light industrial park.

It was also noted that under subparagraph 5.c.5), one additional free-standing sign may be allowed at the entrance to a site upon written request by the applicant. The additional sign will only be allowed if the Board determines the signage allowed in a. through d. will not be adequately visible from the main road.

Mr. Cofske pointed out the original multiple business sign at the entrance of the park has small lettering and is not easily readable driving past in a vehicle. Mr. Cofske provided a written request for the additional signage at the entrance to the light industrial park.

Mr. Morales commented after hearing the explanation of why it was installed the way it was, and noting the ordinance gave the ability for approval by the Board, he opined the sign was helping the business, did not appear to have any effect on property values, and he saw no issue with approving it. He stated the Board could grant permission for Mr. Cofske to keep his existing sign in place as it is now, and not need to make any modifications.

Mr. Bath asked about the sign not being natural in color as indicated by VIII.F.5. Mr. Morales noted the free-standing sign used similar colors to the approved main park sign and therefore he saw no problem.

**MOTION:** Mr. Morales **MOVED** to approve the free-standing sign as presented to the Board in the current location and in the present configuration (not to exceed 32 sf) at the entrance to the light industrial park at 213 Haverhill Road for Randy and Beverly Cofske, dba A-1 Auto under Article VIII, 5.c.5. Mr. Cacciatore seconded; the motion was unanimous.

Mr. Morales noted that according to the ordinance, only one additional sign could be approved so no other requests could be entertained.

Mr. & Mrs. Cofske thanked the Board for their time.

Ms. LaBranche opined the park owner should update the main sign, and perhaps make the lettering for the individual tenants larger.

#### **Circuit Rider Contract Payment Approval**

Mrs. White reported the Board had received notification for renewal of the RPC contract and an invoice for installment payment and would need to make a motion to send a letter to the Selectmen to accept the contract and pay the bill. Mr. Morales noted the Selectmen had already addressed the issue at their last meeting. Mrs. White reviewed that the regular procedure was for the Planning Board to approve acceptance of the contract for their Circuit Rider services and send a letter of recommendation to the Selectmen since the Planning Board did not have the authority to sign the contract.

**MOTION:** Mr. Bath **MOVED** to send a letter of recommendation to the Selectmen for renewal of the RPC contract and payment of the bill; Mr. Cacciatore seconded; the vote was unanimous.

#### **Report of an Unapproved Business**

Mrs. White had received notification from the Code Enforcement Officer there appeared to be an appliance repair business operating at 132 South Road. The Selectmen's Office has no record of this operation as an approved Home Occupation, and has forwarded this information to the Planning Board for action.

Mrs. White reviewed that it had been decided at a prior Selectmen's meeting if the Planning Board would have been involved with the issue at any point such as a public hearing and/or approval-disapproval, it would be their responsibility to send a letter noting the problem and offer information and the process needed for the property owner to rectify the situation before actual Code Enforcement action took place.

The Board discussed the matter and determined the Secretary should send a letter to the property owner explaining he was in violation of the ordinance. A Home Occupation application and a copy of the Zoning Ordinance would be attached, along with the deadline for submission to be included on the next Planning Board agenda for public hearing.

#### **Correspondence from FEMA**

Mrs. White noted this letter was for the Board's information and no action was required. Ms. LaBranche elaborated that FEMA was producing new maps pertaining to certain areas for information for flood hazard mapping. There would be review with the towns listed under the *Communities* heading, and for those listed under the heading *Adjacent Communities*, there would be no changes to their maps. East Kingston is under the latter heading, and there will be no changes.

### **89 Main Street**

It was brought to the Board's attention that the property at 89 Main Street (present location of the Red Iguana restaurant) had been listed for sale under the title commercial/light industrial property. The usage description stated the second story of the restaurant could be used for expansion (it is not approved for occupancy, only storage); the 2-story home had been gutted in preparation for professional offices or several apartments, including the barn (it is not zoned for this use), and there was ample parking and room to expand the corner lot. The current use is a non-conforming use in a residential area and the restaurant building as such is not eligible for expansion.

The Board came to a consensus that the Secretary will call the listing agent and inform them they have an improper property potential description for this property with an inaccurate zone designation.

### **Frequently-Asked Questions Handout from the Circuit Rider**

As it was getting late and there were members absent, review of this handout will be carried over to the August meeting.

Board members were asked to bring this handout to the August meeting for discussion.

### **ADJOURNMENT**

**MOTION:** Mr. Cacciatore **MOVED** the Planning Board adjourn, Mr. Bath seconded.

The meeting was closed at 9:05 pm. The next Planning Board meeting will be on August 15.

Respectfully submitted,

*Barbara White*

Barbara A. White  
Planning Board Secretary

Mr. Cacciatore  
Chairman

Minutes approved August 15, 2013