

FILE

July 20, 1995

**Town of East Kingston Planning Board**

**Attending:** Chairman Richard Smith, Catherine George, Andrew Berridge, J. Roby Day-Alternate, and Dr. Robert Marston (called away due to emergency)

**Others attending:** Sarah Campbell-RPC Circuit Rider, and Joseph Conti-Building Inspector.

The public hearing opened at 7:34 PM.

**Public Hearing for Suzanne Mazur - application for Home Occupation Permit.** Mrs. Mazur was given the opportunity to explain what her home occupation would entail. She explained she would deliver Balloon bouquets, sometimes wearing a costume if requested, and would not be hiring any employees. She would not hang a sign at this time, as her business is a trial basis, and she is on a fixed income.

She had a room in her home, where she would keep a helium tank intending to fill the balloons. She emphasized that that she would bring the balloons to people's homes, and would drive her own vehicle (Plymouth Duster). Mrs. Mazur said the Helium would be delivered to her home, and Balloons would be delivered by UPS, and she would purchase the supplies.

Mrs. Mazur explained that her home was situated a cross from Tricklin' Falls Day Camp on Haverhill Road. When she was asked if she would advertise, Mrs. Mazur explained she would publish in the Carriage Towne News, and by word of mouth.

Mrs. Campbell suggested this business be classified under the art/craft/hobby category.

An abutter was presented, and identified herself as Susan Ryan. <sup>Suzanne</sup> Mr. Smith asked Ms. Ryan if she had anything to say. She asked for a list of abutters that were notified of the public hearing.

With respect to the delivery service as explained by Mrs. Mazur, she had minimal concerns. However, she would strongly object if arrangements to place orders, would be conducted in Mrs. Mazur's home. She felt the parking area which abuts her property was insufficient for parking.

Ms. Ryan made it clear, she would voice her objections to the Board if Mrs. Mazur conducted her business with clients at her home at any time, and wanted the minutes to reflect how she felt, and she had no objections to storage and delivery. Ms. Ryan also asked that if a sign will be hung in the future, she asked that no embellishments be placed on the sign.

**Motion:** With no further discussion, Andrew Berridge motioned the Planning Board recommend to the Selectmen approval of this Home Occupation for Mrs. Suzanne Mazur. Catherine George second. The motion passed unanimously.

Sarah Campbell explained to Mrs. Mazur that the Selectmen would now review her application, and would obtain a copy of this meetings minutes. If the Selectmen granted the permit, it would be for one year, and would be renewable annually, with an updated application, and fees would be due. Ms. Ryan was informed that abutters are not notified annually.

The public hearing ended at 7:50 PM.

Sarah Campbell distributed the newly published copies of the Town of East Kingston Zoning Ordinance, Building Code, Subdivision Regulations, and Site Plan Review Regulations, and provided 32 copies to the Town, with one unbound to photocopy additional copies as needed. An invoice will follow.

Mr. Berridge wanted to know why the flood insurance map contained in the manual, did not have Powwow River noted on the map. Mrs. Campbell explained that the decision was up to FEMA to delineate the flood hazard areas.

Mr. Frank Colanton on caretaker building on East Kingston Golf Course. Mr. Colanton appeared before the Board for an informal discussion on converting an existing building located in the corner of the Golf Course to a one bedroom house. Mr. Colanton's intent, is to provide housing for a watchman and dog needed to remain on the premises at all times as he had things missing behind the equipment shed, and had been victim to vandalism recently.

Mr. Colanton did not want to divide the property. He explained that he is out of state in the winter. He is unable to keep a dog, as his wife is allergic to animals. He also explained that the he was unable to secure insurance coverage because he sold clubs on the premises.

When Mr. Colanton was questioned about the septic, he explained that Dave McLean once lived there (in the late 60's) and installed a new septic system at that time. Mr. Colanton explained the building is about 800', and he wanted to convert it into one bedroom, paint it and shingle the exterior.

Mr. Berridge reasoned with Mr. Colanton, by explaining no problem with Mr. Colanton's logic, and that it was reasonable to have a watchman on the premises, but explained due to zoning ordinances, lot size, and subdivision requirements needed to be met.

In agitation, Mr. Colanton explained he wanted to leave the land like it is. He threatened that an alternative to him was to put cluster housing on the land, and asked the Board as a whole, if they would want that to happen instead, and added he did not want to see 4 bedroom houses on the land. He just wanted to be able to sell his merchandise out of the pro shop, and not from his residence.

Sarah Campbell quoted from Article VI (Lot Area And Land Requirements) section C, and explained building more than one residence on one lot is prohibited.

Mrs. George explained that the Planning Board had to follow the ordinance. He might consider appearing before the Zoning Board, and Mr. Colanton wanted to know how could he meet with the Zoning Board. Mr. Colanton wanted to know when his son-in-law appeared before the Planning Board, why wasn't he given the same information.

Mrs. Campbell informed him that his son-in-law was not told that this couldn't be done, but that he was given two options; draw a line on paper, and the other was to appear before the Zoning Board of Adjustments.

Mr. Colanton reported that he held three deeds to three parcels equaling 15 acres in entirety, but did not want to build for the sake of housing a watchman.

Mr. Berridge explained to Mr. Colanton he could petition to change the rules to be voted on at Town Meeting, or appear before the Board that specialized in making adjustments to the rules, and affirmed that his son-in-law was given two options.

Mr. Colanton suggested that he felt he had a hardship case, and he was told to present his case to the Zoning Board.

**Bodwell update:** The Board was informed that Timothy and Judith Bodwell applied for a Home Occupation permit from the Board of Selectmen. The Selectmen are scheduled to review the application on July 24th, as it was strongly recommended by the Zoning Board that the Bodwells meet with the Selectmen when they were denied motion for rehearing with the ZBA.

**Kingston-Developments of Regional Impact-Pinebrook Spring Water Corp. Meeting held 7/11/95.** Roby Day advised the members that he did attend the meeting and briefed the Board on the facts.

Mrs. Campbell will touch bases with her counterpart Glenn Greenwood in Kingston and she will ask in behalf of the Planning Board that Kingston keep our interests in mind.

**Bowley Excavation:** The Board was given a status on Dewey Bowley, and it was noted that the Selectmen renewed a Home Occupation for gravel excavation provided Mr. Bowley submit a Reclamation Plan with the State pursuant to RSA 155E prior to the next renewal date of June 96.

Sarah Campbell pointed out that Mr. Bowley's business should not have been categorized as a home occupation, as it does not meet the ordinance of the law of home occupation. Mrs. Campbell was surprised that Mr. Bowley had not been required to submit a plan back in the 80's when the law came into effect. She advised that Mr. Bowley needs a permit to do excavation on his land, and referred to Article IV:B (General Provisions) in the zoning ordinance.

She said if he lawfully existed before 1979, he may continue without a permit subject to the following; the excavation was in compliance with local ordinance and regulations, when it first began; it cannot be expanded without a permit; and all the land subsequent to the time when it started must be in contiguous ownership; expansion may be restricted or modified by conditions; must be in compliance with operational standards of the law; and if he hasn't gotten a permit, because he didn't need one due to compliance he still has to file a report by August 91.

Mr. Conti suggested Mr. Bowley appear before the ZBA for restrictions.

**Motion:** Catherine George motioned to accept the minutes of June 15th, 1995. Roby Day second. The motion passed unanimously.

**Master Plan School Chapter Draft handout:** Sarah Campbell handed out the draft, giving a brief overview.

The meeting was adjourned at 9:14 PM.

Respectfully submitted,

Sandra Johnson  
Administrative Assistant