



**PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire**

2019-2020
Joshua Bath, *Chairman*
Tim Allen, *Vice Chairman*

MINUTES
Regular Meeting August 15, 2019
7:00 pm

AGENDA:

Board Business.

- **Discussion** with Sarah and Matt Gallant and Micah Denner re: Bob's Septic and Septic Design of NH
- **Review** of proposed changes to the Single-Family Cluster Residential Development ordinance (Article XI).

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

Members Present: Chairman Joshua Bath, Vice Chairman Tim Allen, Dr. Robert Marston, Scott Orleans and Ex-Officio Dick Poeleart.

Advisors Present: RPC Senior Planner Julie LaBranche, Building Inspector John Moreau, Assistant Building Inspector Tom Welch and Conservation Commission Chair Dennis Quintal.

Also Present: Sara and Matt Gallant and Mr. Micah Denner.

Chairman Bath appointed Mr. Orleans a voting member in Mr. Caswell's absence.

Minutes: Mr. Bath asked for a **MOTION** to approve the July Minutes.

Mr. Allen **MOVED** to approve the July minutes as presented; second by Mr. Orleans with a unanimous vote.

Discussion with Sarah and Matt Gallant and Micah Denner re: Bob's Septic and Septic Design of NH

This discussion was a result of a Selectmen's letter ordering a cease and desist of Bob's Septic Service at 120 Sanborn Road as the activity no longer qualified as a home occupation. The homeowner was still living in the home at the address but the business was sold in December of 2018 and was still appearing to take place at the address.

Mr. Allen explained that the issue was there was now a different owner of Bob's Septic Service other than the homeowner. That business was sold so it no longer qualifies as a home occupation. The septic business was moved to Exeter but 1-2 trucks are coming and going at the address on a regular basis giving the appearance that the business is still operating from that address.

Mr. Allen asked if Mr. Denner kept any of his trucks at his Exeter residence. Mr. Denner answered he did not as it was not allowed in a residential area in that town.

Mr. Allen noted that Sanborn Road also was a residential area. What the Gallants had been approved for was a home office and the ability to perhaps park a truck in the driveway on occasion. They were not given permission to operate an actual business from that address.

Mrs. Gallant explained both she and Mr. Gallant work for Mr. Denner and bring the service trucks home when they are finished for the day so they can be ready to go out the next day. Mr. Allen asked who drives the trucks to and from the property? Mrs. Gallant stated they were the only drivers from that address. Mr. Allen stated “so no one comes and goes from the property except for both of you?” Mrs. Gallant answered that was correct.

It was asked if they could park both of the trucks in the garage/barn. They stated they could.

Mr. Gallant stated they had come before the planning board two different times. The first was for the home occupation for the office. That was granted. The other was to park the truck in the garage. That was also granted.

Mr. Allen noted home occupations were to be residential looking in appearance and not to appear a business was operating there. Other approved home occupations, depending on what they were, at a minimum were told to have the trucks either in a garage or behind a fence out of view.

Mrs. Gallant asked if the denial was because they did not own the business? Mr. Allen answered yes, it was. When you sold the business you longer qualified under the home occupation ordinance.

Mr. Gallant was upset he received the cease and desist without even the opportunity to come before either the Planning Board or the Selectmen for discussion and/or explanation. The Planning Board was apologetic for that omission, but they were there tonight in a discussion on how to rectify the situation.

The board asked if they would come back for further discussion in September and was asked to supply a letter stating just what questions they wanted answered so the Gallants and Mr. Denner could come prepared with their answers.

The Board stated they would send a letter with their questions so they could be ready.

The Gallants and Mr. Denner left the meeting.

Mr. Allen MOVED to make a recommendation to the Selectmen to deny the Home Occupation for Bob’s Septic, 120 Sanborn Road as it no longer qualifies under the ordinance; second by Mr. Poeleart with a unanimous vote.

Review of proposed changes to the Single-Family Cluster Residential Development ordinance (Article XI)

Due to the lateness of the meeting, this item was tabled until September for discussion. Ms. LaBranche will give the Board a revised version at the next meeting.

Adjournment

Dr. Marston made a **MOTION** to adjourn; Mr. Poeleart seconded, with a unanimous vote.

Mr. Bath closed the meeting at 9:25 pm.

The next Planning Board meeting will be on September 19.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joshua Bath

Chairman

Minutes approved October 17, 2019