



**PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE**

*2005-2006
James Roby Day, Jr., Chairman
Richard A. Smith, Sr., Vice Chairman*

MINUTES

(Regular Meeting and Public Hearing of August 18, 2005)

AGENDA:

- 7:00PM – **Call to Order and Board Business**
7:15PM – **Continued Public Hearing** – for Glenn and Kathleen Clark, 21 Burnt Swamp Road (MBL 10-4-8) involving a proposed 12-lot subdivision (PB# 05-07)
8:00PM – **Public Hearing** – for a Home Occupation of Keith Campbell, 60 North Road for an antique restoration business.
8:30PM – **Discussion Only** – for John and Theresa Mulvey, 17 Haverhill Road (MBL 9-8-19) in regard to a proposed site plan.
8:45PM – **Discussion Only** – for Kelly and Brandon Kobrenski, 18 Sanborn Road in regard to an in-law apartment.
9:00PM – **Discussion Only** – for Messrs. Bean and Coleman regarding proposed site plans.
9:15PM – **Discussion Only** – for Lavelle Associates for a two-lot subdivision at 87 Haverhill Road.
9:30PM – **Adjournment**

CALL TO ORDER AND BOARD BUSINESS

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

ROLL CALL: Mrs. Helen Lonek called the roll.

Members present – Mrs. CE Belcher, Chairman JR Day, Vice Chairman RA Smith; Mr. R Morales, ex-officio
Alternate members present – Mr. JD Burton, Mr. EA Lloyd
Advisers present – Dr. Jill Robinson, Rockingham Planning Commission (RPC); Fire Captain A Conti, East Kingston Fire Department, Mr. Dennis Quintal, Conservation Commission

BOARD BUSINESS:

Mr. Day announced that he has received a letter of resignation from Mr. Gene Madej.

Mr. Day stated that Mr. Dennis Quintal is in attendance representing the Conservation Commission.

Mr. Lloyd was designated as a voting member due to Dr. Marston's absence.

Minutes–

MOTION: Mr. Morales **MOVED** that the Board accept the minutes of the July 21, 2005 meeting as corrected. Mrs. Belcher seconded and the motion carried unanimously.

Correspondence–

Mr. Day noted the flyer for November 16-18 at the Radisson Hotel in Manchester regarding a local government conference.

Mr. Day stated that Dr. Robinson has been working closely with John Daly on the Lister proposed Easement Agreement. Dr. Robinson stated that it is actually more Jay Stevens' work. She stated that they discussed what needed to be in the agreement as far as maintenance of the drainage structures.

Mr. Day stated that he spoke with the Fire Chief in regards to easement language for the Blunt property. He added that the dry hydrant has to be in and functional according to the Conditions of Approval before he signs the mylar.

Mr. Day stated that it has been noted that Matt Gallant's Home Occupation was an approval for an office operation only. He added that Mr. Gallant is moving forward with the building of a garage and it is his intention to park his vehicles in there. He stated that this now changes the nature of the Home Occupation and he asked the Board for opinion. Mr. R Smith stated that it's a grandfathered business. Mr. Day noted the Minutes from that Meeting in which Mr. Dworman stated that Mr. Gallant's business fell into the secretarial category as opposed to a septic truck category and that if they plan on parking the vehicle there all the time, they would have to come back before the Board for approval. It was decided that Mr. Gallant would be asked back to speak to the Board in September.

Mr. Burton stated that his recollection was that as long as the truck was shielded from view, the Board would probably be okay with it.

Mrs. Belcher stated that when Bob Rossi left the business, it was no longer grandfathered. Mr. Day stated that two commercial vehicles are allowed, but they have to be screened from view.

Mr. Day stated that the Board has received a notice from the Kingston Board of Selectmen. He explained that the property in question is down Rowell Road and instead of going down Cove Road, it's straight ahead and ends in Kingston. He stated that in 1934, Kingston discontinued the Rowell Road portion in Kingston so it's no longer a road. He added that the person has property in Kingston and the only way he can get to his property is through East Kingston. Mr. Day stated that Kingston would have to go through East Kingston to get service to the Kingston location, or it ends up burdening East Kingston.

Mr. Day stated that his advice to the Selectmen would be that the Board does not want to allow this.

Discussion ensued regarding circular driveways and Mr. Day stated that if the property meets the setbacks and the site distances, you can have a circular drive. Mr. R Smith stated that all driveways have to be 10 feet from the property line. Mrs. Belcher stated that it is the Building Inspector's responsibility.

CONTINUED PUBLIC HEARING—FOR GLENN AND KATHLEEN CLARK, 21 BURNT SWAMP ROAD(MBL10-4-8)
INVOLVING A PROPOSED 12-LOT SUBDIVISION (PB# 05-07)

Mr. Day opened the public hearing.

Mr. Ken Berry came before the Board and introduced Mr. Scott Cole, Project Manager.

Mr. Berry stated that they submitted materials to Jay Stevens and the Rockingham Planning Commission. Mr. Berry apologized for not getting the plans to the Planning Board. Mr. Day stated that whenever there are revisions, five large and ten small copies are required.

Mr. Berry stated that new test pits have been conducted on July 27. He stated that there is a minor revision to Lots 7 and 8. He stated that they are waiting for Mr. Stevens' review.

Mr. Berry stated that they met with Deputy Fire Chief Carl Richter regarding the fire pond. He stated that the wetlands application has been submitted to the Conservation Commission and he added that he believed that it has been signed and forwarded to the Department of Environmental Services. He stated that Chief Richter looked at the location of the second fire pond between Lot 1 and the open space lot to the south of it and Chief Richter approved that location in concept and is now waiting for design plans. He stated that as soon as that design is fine tuned, he will get it to the Fire Chief for his review as well as the Board.

Mr. Berry added that they have also submitted the site specific permit application and the state subdivision application. He stated that they have received a review letter from Dr. Robinson. He stated that she raised some

concerns regarding grading on Lots 3 and 9. He stated that the slope on Lot 3 will be taken care of in the reclamation process. He stated that the steep slopes on Lot 9 are areas that have been disturbed by construction. He stated that, in future submittals, the driveway on Lot 9 should demonstrate that it can service the residence.

Mr. Berry stated that Dr. Robinson also recommended a road width waiver. He stated that it would probably be best to wait on that waiver request until review by the Town Engineer to make sure he concurs with a more narrow road width. He stated when Mr. Stevens agrees, they will submit the waiver request letter next month.

Mr. Berry discussed the road grading. He stated that they are asking for a waiver on the road grade for a substantial length of the road. He stated that a passenger car or a service vehicle could negotiate a 6 ½ or 8% road. He stated that they are asking for the waiver because they feel it makes sense based on the topography of the land and still provides a safe and serviceable road.

Dr. Robinson stated that the first comment on her memo is about the 100-foot buffer area. She stated that the ordinance is set up so there's a 100-foot buffer in a cluster subdivision and the way the applicant has designed the plan, the buffer cuts through the back of some of the lots. She stated that there is a danger that future property owners will come in and if they do not look at the plan, they will not be aware of the buffer area. She added that she has made some suggestions on possible ways to deal with this such as marking or signage or deed language. She added that this would only affect three lots. Mr. Berry stated that he will put a note on the plan that the deed will include a reference to the 100-foot buffer. He also stated that there are painted metal discs that can be posted. Mr. Day stated that he supported this being in the deed language rather than signs on trees that can be cut down. He stated that the Board has to look at the ordinance to make the 100-foot buffer common land so that it is undevelopable. Mr. Berry cautioned that he has run into ordinances which state that the minimum designed open space cannot be a buffer wrapped around the subdivision.

Mrs. Belcher asked if a site walk could be done and Mr. Day agreed. It was scheduled for October 8 at 10:00AM, meet in Glenn Clark's driveway.

Mr. Berry referred to Dr. Robinson's comments and stated that they will be putting up a performance bond and a reclamation bond and he will be working with Civil Consultants to determine the amounts. Mr. Day stated that the Board of Selectmen decide what the amount will be. Mr. Day stated that Mr. Berry can name the roads, but if they conflict with roads in town, they have to be changed.

Mr. Quintal stated that the Conservation Commission still has a problem with the yield plan about the grading, how the slope grades would work. He stated that there should also be a contour plan, which shows the grading of the road and the grading of the driveways.

Mr. Quintal stated that he has a copy of the drainage analysis, he stated he spoke with Mr. LK Smith regarding the dredge and fill permit and Mr. Smith stated that there are only minor wetland crossings. He stated that on the predevelopment sheets, it's just a vegetative swale only two feet wide and on the post-development, it's identified as 8 feet wide. Mr. Berry stated that they are both 2 feet wide. Mr. Quintal stated that the Conservation Commission is also concerned about protecting the vernal pool.

Mr. Quintal noted that Mr. Clark's driveway is going from gravel to pavement, so there is more impervious surface. He added that on Sheet #11, the abutter is labeled wrong.

Mr. Day stated that in speaking with Mr. LK Smith, he indicated that he is still awaiting a drainage analysis for the conventional plan. Mr. Day asked Mr. Berry to confer with the Conservation Commission directly. Mr. Berry stated that doing a complete drainage analysis for the yield plan seems a little excessive and expensive to them, but he will talk to his client. He added that there is a miscalculation on the plan stating that there is an 8-foot swale and he assured the Board that the swale is being left in its original condition and they are not asking to modify any of that swale. He stated that they will meet with the Conservation Commission to answer any of their questions.

Mr. Day stated that there appears to be lot line adjustment on the westerly side of the development to accommodate an abutter and the road. Mr. Berry stated that a parcel of land is being deeded to an abutter in exchange for the right to put in the dry hydrant. Mr. Day stated that in a similar development, the Board held a hearing for a lot line

adjustment itself as a separate action and this may have to be done here as well. Mr. Berry stated that he thought the submitted application covers the action, but he said he would defer to the Board's desire if they want a lot line adjustment application.

Mr. Day opened the floor to abutters, of which there were none and he closed the floor.

Mr. Quintal stated that the Conservation Commission meets on the first Monday of the month, except in September it is the second Monday at 7:00PM.

Mr. Berry requested the public hearing be continued to the next meeting, September 15.

MOTION: Mr. Morales **MOVED** that the Board continue this public hearing to September 15 at 7:15 PM. Mr. Smith seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

PUBLIC HEARING--FORAHOME OCCUPATION OF KEITH CAMPBELL,60NORTH ROAD FORAN ANTIQUE RESTORATION BUSINESS(MBL15-03-12)

Mr. Day opened the public hearing.

Mr. Keith Campbell appeared before the Board and explained his home occupation. He introduced his mother, Joan Richardi and stated that he has a chandelier cleaning business. He uses a machine he invented that cleans with sound waves. He stated that the cleaning is done mostly off-site at hotels and other places. He stated that he does some restoring of antique chandeliers in his barn. He stated that the work will be done in the three car garage and there are two offices on the second floor. He stated that he would characterize his business as an antique shop although he does not have drop-in business. He stated that he is still in the process of getting permits for the building. He added that the business is relocating from Massachusetts.

Mr. R Smith stated that this is a commercial business rather than a home occupation. Mr. Campbell stated that he has one full-time and two part-time employees and the other people involved are himself and his wife. Mrs. Belcher stated that since he is on a state road he can have up to four non-residents as employees and added that the dwelling shall not utilize more than 50% of the gross floor area

Mr. Day stated that a home occupation by its nature must be a commercial business. Mr. R Smith stated that originally a home occupation was conducted in a small area of the home. Mr. Lloyd stated that the home occupation has to be clearly accessory and subordinate to the residential use of the property. Mr. Campbell stated the business would be using about 1,800 square feet. Mr. Day stated that the Board needs to know the total square footage of the house. Mr. Day stated that since he is on a state road, he can have up to 50% of the gross floor area as the home business. Mr. R Smith noted that the frontage is actually on a town road. Mr. Burton stated that an exception is that there are no dwellings within 300 feet of the building, which Mr. Campbell stated there are none. Mr. Campbell stated that there was a lot line adjustment about a year and a half ago for the barn to be built.

Mr. Day read the definition of a home occupation: "A Home Occupation is a professional or service occupation or business carried out from the home which is clearly accessory and subordinate to the residential use of the property." Mr. Day went through the list of Permitted Uses. Mr. Conti stated that he thought it would fall into craft. It was agreed by the Board that Mr. Campbell's business would fall into No 9 "Art, craft, hobby and antique shop"

Mr. Day went through the checklist. Mr. Campbell stated that he does not do the cleaning at his home, it is done off-site at the location and there are no chemicals involved.

Mr. Day opened the floor to abutters, of which there were none and he closed the floor.

Mrs. Belcher stated that Mr. Campbell's driveway is an easement on someone else's property. Mr. Campbell stated that he has no intention of putting up a sign at this time.

Mr. Day explained that the Planning Board makes a recommendation to the Board of Selectmen to approve or disapprove a home occupation and there is an annual fee of \$25.00. Mr. Day stated that Mr. Campbell would be required to have an annual fire inspection. Mr. Day suggested that the Board make a recommendation to the Board of Selectmen to approve the home occupation pending Mr. Campbell's confirmation of the square footage of the residence and the floor space of the home occupation. Mr. Morales suggested Mr. Campbell prepare a letter to the Board of Selectmen including the square footage of the house as well as the fact that he would not be putting up a sign and that the closest dwelling is at least 300 feet away. Mr. Day also stated that it has to be confirmed that Mr. Campbell's house is at least 300 feet from the nearest dwelling. Mr. Conti stated that he could confirm that there are at least 300 feet from the nearest structure.

MOTION: Mrs. Belcher MOVED that the Board recommend the Board of Selectmen approve the application for a home occupation of Mr. Campbell based on the review that it meets the requirements of the Home Occupation with the condition that there be an annual fire inspection and confirmation of the square footage of all the buildings. Mr. Morales seconded and the motion carried unanimously.

Mr. Day closed the public hearing.

DISCUSSION ONLY – FOR JOHN AND THERESA MULVEY, 17 HAVERHILL ROAD (MBL 9-8-19) IN REGARD TO A PROPOSED SITE PLAN

Mr. Day opened the discussion.

Mr. Dennis Quintal appeared before the Board as well as Mr. John Mulvey. Mr. Quintal showed where the edge of wetlands was on the plan and where the poorly drained soils were. He stated that this is Den's Auto. He identified the setbacks. He stated that Mr. Mulvey is considering putting in a couple of 20X50 buildings to be used similarly to the existing building as a vehicle repair business. Mr. Quintal stated that there is an existing paved front and Mr. Mulvey will be putting in a gravel drive to the back buildings.

Mr. Day stated that the property is located in a commercial zone and the driveway Mr. Mulvey now uses is not on his property.

Mr. Mulvey stated that the way it is now is if he has a car that comes in for repairs, there are five or six different areas of work to be done and he has to constantly move cars around. He added that with the new buildings, he can dedicate a specific job to an area without all the juggling. He added that because of space he has to take cars to Seabrook or Kingston, which takes up a lot of time. Mr. Burton stated that having the new buildings would be an improvement.

Mr. Mulvey stated that there are Butler buildings as well as a product made out of corrugated steel that are 6' to 8" thick interlocking panels which meet fire code, they deaden sound as well. He added that the "R" value is tremendous for saving heat.

Mr. Quintal stated that they would not be adding any more pavement.

Mr. Day stated that he thought it was a viable plan.

Dr. Robinson asked if there are plans showing the existing conditions. She stated that there is probably already information about the site available.

Mr. Day stated that he is comfortable with what Mr. Mulvey is proposing and it fits within the parameters of commercial use in a commercial zone. He added that a full blown site plan is the place to start. Mr. R Smith stated that he thought it was a good plan. Mrs. Belcher stated that she thought it was a doable plan.

Mr. Mulvey stated that he would not be doing any new processes, he would just have more room to spread out and he won't have to turn people away.

Mr. Day closed the discussion.

DISCUSSION ONLY – FOR KELLY AND BRANDON KOBRENSKI, 18 SANBORN ROAD IN REGARD TO AN IN-LAW APARTMENT

Mr. Day opened the discussion.

Mr. Kobrenski stated that they wanted to add an in-law apartment to their home for use by his mother-in-law.

Mr. Day referred to "Article VII – Uses Permitted". Mr. Day explained that much of the plan is going to have to be looked at by the ZBA because there are Special Exceptions. He stated that the ZBA will go down the list of items that require a Special Exception and they will decide on each of the conditions. He added that if the ZBA approves the plan, the next step is to get a building permit and start building.

Mr. Day stated that there are 9 conditions and 5 require a Special Exception. He read the "Ownership" condition and stated that they have to convince the ZBA that the owners will be living in one of the units. Next, he read the "Living Area Configuration" condition which gives specific square footage limitations and requirements. Next is the "Construction" condition. He stated that this requires a passage through the dwelling's common wall(s) to provide for safe egress.

Mr. Day stated the next condition is "Parking". He stated that they cannot add a driveway because they are trying to preserve the single-family residential feel of the neighborhood. The next condition is "Pre-existing conditions". Mrs. Kobrenski stated that that this will be an addition. They showed the Board pictures of the proposed addition. Mr. Dean Ruckerson introduced himself as the Kobrenski's architect. He stated that he has fulfilled all the conditions and that the new structure will have 497 square feet.

Mr. Day stated that the Building Inspector and ZBA can help in regard to setbacks and septic requirements. Mr. Ruckerson stated that the house has a four-bedroom septic design.

Mr. Day closed the discussion.

DISCUSSION ONLY – FOR MESSRS. BEAN AND COLEMAN REGARDING PROPOSED SITE PLANS

Neither Mr. Bean nor Mr. Coleman were present.

DISCUSSION ONLY – FOR LAVELLE ASSOCIATES FOR A TWO-LOT SUBDIVISION AT 87 HAVERHILL ROAD

Mr. Day opened the discussion.

Mr. James Lavelle is proposing a two-lot subdivision at 87 Haverhill Road, which is slightly over 5 acres. He added that one building lot will be 2.14 acres and the other 3.08 acres. He stated that he has received a driveway permit from the DOT. He stated that it would be a shared driveway. He stated that there is adequate frontage for a second separate driveway, if that is required.

Mr. Lavelle stated that they have done topography and test pits on the lot witnessed by the Town Agent. He stated that he understands that fire protection is necessary. When asked by Mrs. Belcher what is the degree of the slopes, Mr. Lavelle stated there are a good deal of 15% and some 15-25% and some below 15%. Mr. Lavelle stated that there is an existing culvert on the property and he didn't believe there was an easement.

Mr. Day suggested to Mr. Lavelle that he get a copy of the subdivision regulations because he would have had to reject the original application because it was grossly incomplete. Mr. Lavelle stated that the Board would receive a new corrected application.

Mr. Day stated that the Board doesn't like shared driveways. He added that the Board is very concerned with slopes and he directed Mr. Lavelle to include specific information as to the percent slopes on the proposed second lot. Mr. Day directed Mr. Lavelle to refer to the Purpose and Intent Section of the Subdivision Regulation where it makes reference to the Master Plan and the Master Plan is very specific about what slopes are to be developed and what

slopes are not to be developed. He added that insofar as the driveway for the second lot is concerned, if the State gives a driveway permit, then it would work.

Mr. Quintal stated that the Conservation Commission would be concerned about the steepness of the slopes and he suggested providing a contour plan for the driveways. Mr. Lavelle said he would do a site plan to show the Board that it can be done without injury to the road or abutting properties.

Mr. Day suggested the plan have a color depiction of the steepness of the slopes.

Mr. Day closed the public hearing.

ADJOURNMENT:

MOTION: Mr. Lloyd **MOVED** the Board adjourn. Mr. Morales seconded, and the motion carried unanimously at 9:35PM.

Respectfully submitted,

Helen M. Lonek
Recording Secretary

Approved on: 9/15/05