

TOWN OF EAST KINGSTON, NH

PLANNING BOARD

August 20, 1992

Present: Richard Smith, Chairman; Dr. Marston, Catherine George, Mel Keddy, and Amanda Rossi, Alt.

Others present: Mr. Conti, Building Inspector; Larry Smith, Conservation Commission, and Mr. Bird, RPC

Call to order: Mr. Smith called the meeting to order at 7:37pm.

Incoming Correspondence:

1. 17th Annual Law Lecture Series in Portsmouth.
2. Budget & Finance Management Workshop - Waterville Valley
3. Civil Consultants re: Red Gate & Southmeadow
4. Civil Consultants re: East Kingston Estates (off Rte 107)
5. NH Dept. of Environmental Services-Public Hearing Notice

Mr. Keddy inquired if anyone was following through with Red Gate.

Mr. Smith informed him that information has been forthcoming and read the report from Civil Consultants dated July 30, 1992.

Mrs. George expressed her desire to attend the Law Lecture Series, as did Mr. Smith.

Alice & Denis Plante-Site Plan Review The Site Plan Review Public Hearing for the Plantes was opened at 7:55pm.

Mr. Smith read the legal notification as posted to the public in attendance.

The proposed business would be located within the Commercial District. There is presently one business (autobody repairs) on the premises.

Mr. & Mrs. Joseph Naumetz were present.

Mrs. Plante stated that she wants to open a Hair Salon utilizing one room with an entrance on the lower level of her home.

Mr. Smith stated there appeared to be plenty of parking for such a business.

Mr. Plante said that they would be placing a small sign for the business and they will utilize the small dirt driveway for parking which would enable the business already there to operate independently.

Mr. Joseph Conti, Building Inspector will inspect the facilities for compliance with the State rules and regulations.

Mrs. Plante stated that she anticipated the State inspection would occur on September 8, 1992.

Mrs. Plante will be self-employed. She will install two stations. She may employ one other in the future to cover for her days off.

Mr. Plante noted that the septic system is set up for four bedrooms and only two are in use on the present time.

Mr. Keddy asked if the business would be on an appointment basis or if they would also have walk-ins.

Mr. Plante stated that they would allow walk-ins.

Mrs. Plante said the times of operation would be Tuesday to Saturday. The use of chemicals would be used in conjunction with perms, coloring etc. These chemicals will be disposed on down the sinks and are not hazardous to the ground water.

Mr. Conti cited that these consist mostly of chemicals that are commonly used within homes anyway.

Mrs. Plante stated that she hopes to open during mid September.

Mr. Keddy asked how the neighbors felt about the business.

Mr. & Mrs. Joseph Naumetz, although not abutters, but who do reside in the neighborhood stated that they have no problem with the opening of this business.

Mr. Smith asked if there were any more questions.

The Board reviewed the Site Plan Review Application and found it to be complete.

Mr. Keddy motioned to approve the application pending approvals to be received from the State and from the Building Inspector.

Dr. Marston second.

The motion passed 4-0.

Abutters Concerns-re:Gary Sturgis Mrs. Naumetz asked permission to speak to the Planning Board members regarding the Yard Sale on the Sturgis property. She noted that it is conducted daily and the merchandise is left next to the street. She said it was perennial. Mrs. Naumetz stated that if it is a business, they should have to get a business permit as the Plante's just did. She noted problems with the yard sale increasing.

Ms. Rossi suggested that they talk with the Board of Selectmen.

Mr. Naumetz stated that a group had talked with the Selectmen and that the Board had talked with Mr. & Mrs. Sturgis on Monday night. He noted that the merchandise has been moved somewhat back from the street, however, it is there all the time with trucks delivering every week.

Mr. & Mrs. Naumetz said it was an eyesore.

Mr. Smith said there was no ordinance against holding yard sales, however, it usually doesn't go on forever.

Mr. Naumetz said this seems to be a seasonal business. She noted the Sturgis' have plenty of room in their back yard. She asked for input from the Planning Board as to how this would be handled.

Mr. Smith said one way would be to require a permit to hold a yard sale. This would be enacted at the March Town Meeting.

Mrs. George stated that she feels this is a business operation and not a yard sale.

Mrs. Naumetz informed the Board that the neighbors had met with the Selectmen but there is nothing that they can do. Mr. Sturgis is located within the Commercial Zone. She noted that the magnitude and the fact that it is continuing to grow is of concern. Traffic hazard is also a big concern.

Mr. Keddy stated that if the Selectmen cannot do anything, it may also be true for the Planning Board. He then suggested that the neighbors get together with Mr. Sturgis and discuss their problems and try to work out a solution.

Mr. Naumetz stated they have tried to talk with him, and they gave the Selectmen pictures.

Mr. Conti stated that this business is not grandfathered, it just began, and therefore, he must comply with the regulations as set forth for new operations. The setback is not grandfathered, if he is taking in money and selling products, etc. Mr. Conti is of the opinion that he is operating a commercial venture. Mr. Conti expressed his opinion that he thinks the Selectmen are wrong and that they should stop with a Cease & Desist order.

Mrs. Naumetz noted she thinks they are "stretching" the term "Yard Sales".

Mr. Denis Plante was more optimistic, stating that perhaps by next year Mr. Sturgis will be doing something different.

Mr. Bird said that it appears Mr. Sturgis is running a business without the benefit of meeting the criteria of the Ordinance.

Mr. Naumetz requested that if the Planning Board comes up with a solution to please keep them apprised of the proposed solution.

The Board continued to study the Site Plan Review regulations. They cited Article VII "Setbacks required".

Mr. Smith cited specifically paragraph c: "sufficient off-street parking space shall be provided on the property to accommodate all vehicles attracted to the business." He feels that Mr. Sturgis is illegal and suggested that "No Parking" signs be erected. Mr. Smith also inquired if the people want to shut him down.

Mr. Keddy said that the church trucks bring in merchandise. He noted that the concerns do not mean shutting him down, but those of safety.

Mr. Smith again stated a solution would be to publish an ordinance that Yard Sales are to be held on weekends only.

There was concerns that the merchandise was coming in by the truckload. There is advertising in newspapers, thus, the conclusion is that he is a commercial activity.

Mr. Keddy again underscored that insufficient parking space.

Mr. Bird noted the recourse for the Planning Board is to call it a business and make him have a Public Hearing and put on restrictions.

It was noted that Mr. Purington has requested that the yard be cleaned up, he is happy to see Mr. Sturgis doing business and would welcome business from a building there, he just wants the yard cleaned up.

Dr. Marston agreed with the suggestions to call it a business and make Mr. Sturgis back it up.

The Board agreed they would draft a letter to the Selectmen requesting them to take action.

Mr. Conti stated that he was surprised that he has not had any complaints to date.

Mrs. George motioned to send a letter to the Selectmen recommending they let Gary Sturgis know he has to come before the Planning Board for a Site Plan Review for his "Second Hand Business".

Dr. Marston second.

The motion passed 4-0.

Mr. Smith will bring in the newspaper ads for the file.

Scapicchio/Pica Mr. Pica was not present at this meeting.

The Board discussed the fact that he is coming in next month and expressed his desire to get final approval.

Mr. Keddy said he wants a letter in writing from Mr. Colanton to authorize the use of the Fire Pond.

Mr. Smith noted that Fire Chief Conti wants a hydrant in Colanton's pond prior to final signing.

Mr. Conti noted that the extension runs out in September, and questioned how many extensions are allowable before beginning again.

Mr. Smith stated that Mr. Pica could ask for another 90 day extension.

Mr. Conti asked why the Board doesn't shut him off (from extensions).

There was several minutes of discussion about why the project has gone so slowly.

Mr. Smith noted his concerns (shared by Sarah Campbell) that there will be two lots developed at Rte. 107 and the rest of the project will be forgotten.

Mr. Smith said they need to get bonding money for the whole road, regardless of phasing.

The Board agreed they will get bonding and finalize the phasing. All will be in writing. Bonding will be needed for landscaping also.

Mr. Smith read the billing as submitted for payment for review of the Articles of Association.

FMR Mr. Conti asked about the status of Mr. Decker's selling of individual lots at Brandywine Estates.

The Board was informed that Town Counsel already has the information for review.

There was discussion about what was going on within the project and road work that has been done.

Mr. Conti stated that three driveways have to be re-shaped as they are too high and water runs into the roadway. He noted that he may hold the issuance of building permits until the drives are fixed.

The Board then reviewed that plan (signed 4-18-91) and confirmed that interior lots are shown.

Mr. Conti also noted that the fire pond has sand and silt in it which has to be removed.

The Board reviewed the letter from Sanders & McDermott of December 12, 1989 regarding the Articles of Association.

Mrs. Marden requested the Planning Board files to be taken to the Town Office for review. Upon receipt of her statement of taking these files they were released.

Mr. Keddy motioned to adjourn at 9:15pm.

Dr. Marston second.

The motion passed unanimously.

Respectfully submitted,

Nancy J. Marden  
Administrative Assistant

Typing completed: Aug. 24, 1992