

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES

August 20, 1998

FILE

AGENDA

8:00 Michael Andersen – East Road Home Occupation - Discussion

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, John Fillio – Ex-officio, Dr. Robert Marston, Catherine George (7:52), and Alternate Beverly Fillio.

Absent: Alternate Robert Nigrello.

Others attending: Sarah Campbell - RPC Circuit Rider, Carol Davis, Charles Marden, and Michael & Gail Andersen.

Chairman Smith called to order this August 20th public planning board meeting at 7:32 p.m. with the roll call. Noting the absence of Catherine George, he then designated Alternate Beverly Fillio to participate in any voting matters before the board.

Incoming Correspondence: Chairman Smith noted the following incoming correspondence:

1. Office of State Planning – National Flood Insurance Program workshop.
2. Rockingham Planning Commission – Exeter River Corridor and Watershed Management Plan. Presentation to be held September 17, 1998 at 7:15PM at the East Kingston Town Hall.
3. Office of State Planning – Status Report.

Next Work Session: The next East Kingston Planning Board work session will be held Thursday, September 10th at 7:00PM at the Town Offices. The agenda will include the discussion on signs, 90-day clock amendment, Goals Chapter, Future Land Use Chapter, and Future Land Use Map.

July 16, 1998 Planning Board Minutes: The Board reviewed the minutes dated July 16, 1998.

MOTION: Mr. Johnson motioned to accept the July 16, 1998 Planning Board minutes as presented. Mrs. Fillio second. With no further discussion, the motion passed 5-0.

Telecommunications Ordinance: It was brought to the Board's attention that at the August 13th ZBA hearing, Nextel Communications/Glenn Clark's representation stated the telecommunications ordinance is flawed, citing the ordinance essentially prohibits towers in town. The argument was that given the permitted locations, none could accommodate the setbacks for a 180-ft. tower.

The Board reviewed the town map and noted areas that could accommodate the setbacks. The telecommunications ordinance provides for tower construction in both commercial and light industrial zones.

At this time, Mrs. George entered the meeting, thus removing Alternate Beverly Fillio from voting status.

Brandolini Case: The Board was informed of an upcoming public hearing scheduled for Thomas Brandolini of Rowell Road. Mr. Brandolini is claiming his auto repair business is grandfathered. The Board noted that Mr. Brandolini already came before the Planning Board back in early 1990's and was denied a home occupation permit.

Mr. Fillio advised the Board that Mr. Brandolini has been served a Notice of Violation and a court date is pending. He stated that Mr. Brandolini intends take his case to the ZBA should he be denied by the Planning Board.

The Board recalled that when Mr. Brandolini came in for a public hearing back in the 90's, he claimed that he would only repair one car at a time. His illegally run business is now serves many cars.

It was noted that many times an applicant gets approval for one thing or with limitations, and later voids their agreement, and then no enforcement is taken against them.

The Board then requested that all information regarding this case be collected and made available to members prior to the public hearing.

Howard George – Temporary Signs: The Board acknowledged the receipt of a letter addressed to the Board of Selectmen in reference to temporary signs. This letter from Howard George entails how he was ordered by the Building Inspector to remove a corn sign from his farm stand. The sign was alleged to have been larger than the 4 square ft. size allowed under General Provisions of the East Kingston Zoning Ordinance.

Mr. George's letter further requested the Planning Board address provisions for *temporary signs*. It was noted this corn sign would be used temporarily when the corn was in season and available at the stand.

The Board listed other temporary signs used in town: yard sale signs, house sale signs, and political signs.

Mrs. George stated that she interpreted this corn sign to be temporary and comparable to the blueberry and strawberry signs that are used by Maplevale and Monahan farms.

Mrs. Fillio responded that Mrs. George's enterprise is not the same as Monahan's or Maplevale's, as they grow/produce their own products. She further implied that actual farms, with farm activity, should be exempt from the sign (temporary or not) provisions.

At the inquiry of Mrs. Fillio, Mrs. George stated that some of her produce is grown at her residence, other produce is grown by a neighbor, and some is purchased from other farms. She stated she is not sure of the percentage of produce grown from her own home. She went on to say that her property is zoned residential/agricultural, thus her farm stand is subordinate with the character of the neighborhood.

Mrs. Fillio responded that she does not believe Mrs. George grows any produce on her property. She further stated because none is grown there, the farm stand is not, and should not be categorized as a farm, and further should not be exempt from signage provisions.

Mrs. George stated that the craft portion of the farm stand has a home occupation permit and does not have a sign. She stated that this corn sign has been used for the last five years with no complaints.

Mrs. Carol Davis of 23 Depot Road stated that 10 years ago she was forced to remove a sign from her property because it was larger than what is allowed. She stated that it is only fair that everyone complies with the sign provisions. She further stated that Maplevale and Monahan farms fall outside the scope of a home occupation and should be exempt from the sign provisions. She stated that if the Planning Board allows for temporary signs, then the ordinance should specify that. Until then, the town must enforce the ordinances as they are.

Mrs. Davis also agreed that because Mrs. George does not grow her produce on the property, her farm stand can not be considered the same as Maplevale and Monahan's.

Chairman Smith stated that the 4-ft. square signs permitted in the ordinance are not large enough to accommodate the space needed to advertise all the produce available. He further stated that the Planning Board has more important issues than temporary sign provisions.

Mrs. George questioned who determines what a farm or farm stand is. She stated that the State has been down to inspect her scales for produce sale, thus the State views her business as a farm stand.

Mrs. Campbell asked if the Board wanted to create a sign exemption clause for farms.

Dr. Marston stated that political signs as well as the pipeline signs should also be addressed.

Chairman Smith argued that any hindrance of farm activity, including the sale of produce, should strongly be discouraged. If the signs aren't out, the produce doesn't sell. If the produce doesn't sell, the property owner receives no money, if no money is received, no property taxes are paid...

Mr. Fillio stated that if specifics aren't given or exceptions aren't made, does anything go?

Mrs. Campbell stated that if exemptions are allowed, then they should be noted in the ordinance. Other members agreed. The Board agreed to table this discussion later during the meeting.

Michael Andersen – East Road Home Occupation – Discussion: Chairman Smith opened discussion with Michael Andersen at 8:31 PM. Mr. Andersen is proposing a bed and breakfast type business at his property adjacent to the East Kingston Golf Course.

Mr. Andersen explained that he and his wife are currently constructing a large addition to their home, which overlooks the golf course. He stated that he is doing the construction himself and that the project will take quite awhile. He further stated that he is considering opening a small bed and breakfast type business once his children are grown. This is expected to be in two to three years.

He further expounded that the scope of the business will include a single suite with a large bed and possible pullout sofa, a balcony, a bathroom, and a shared room for breakfast. No kitchen facilities will be installed.

At the inquiry of the Board, Mr. Andersen stated the suite would be rented out a couple months out of the year. No long-term tenants would be considered. He stated that he has a beautiful home and view and would like to share it with others. He noted that any income received would assist with the property taxes.

The Board discussed the zoning on East Road as well as the home occupation provisions. It noted that although a bed and breakfast is not listed as a permitted use, it is more subordinate with scope of the home occupation ordinance than it is to a commercial venture.

The Board then directed Mr. Andersen to proceed with obtaining a home occupation permit via the public hearing process.

Joint Meeting: The Board agreed with the scheduling of a joint meeting of the Zoning Board, Planning Board and Selectmen for October 29, 1998 at the Town Hall. It was noted that an agenda would be forthcoming.

Retirement Community Update: The Board acknowledged that Bruce Lewis canceled his preliminary discussion with the Planning Board scheduled for this evening. This discussion was for the proposal of a retirement community to be located off of Route 111 in Kingston and East Kingston. Mr. Lewis informed the recording secretary that because of the property's location, he was withdrawing his proposal.

The Board discussed concern with how to regulate a retirement community to only allow senior citizen residents. It was noted that RPC is drafting an elderly housing ordinance and that they have these same concerns. Density was also an issue. The town of East Kingston has established a density rate with 2-acre lots. Allowing less density could harm the ordinance's intentions.

Future Land Use Chapter: The Board took up discussion on the recommended future zoning districts and uses. It was noted that all previous attempts (in the last two years) to increase commercial zoning has been rejected by the townspeople. The Board questioned whether or not future zoning recommendations should be included in this master plan chapter. Members were asked to consider this issue for more discussion to continue at the next work session.

Goals Chapter: The Board acknowledged a working list of recommended goals generated by members at earlier meetings. Mrs. Campbell recommends the Goal's statement be at least a couple paragraphs long. Definitions like *rural character* should be defined. Specific goals should be expounded on, and the encouragement to develop existing commercial and light industrial zones should also be given. Further discussion of the Goals chapter will be continued at the next work session.

Howard George – Temporary Signs: The Board resumed discussion of temporary signs and noted that statements to govern maximum farm stand size should be included.

Mrs. Fillio stated that designating sign size holds the ordinance to specifics. She added that farms should be exempt from the 4-ft. square sign and the Board needs to define what constitutes a farm.

Further discussion of temporary signage will be continued at the next work session.

90-Day Clock Amendment: Mrs. Campbell informed the Board of a recent amendment to the 90-day clock law. The law has now been amended to say that the clock begins at the first meeting, after the application is submitted and notice to abutters has been given. The clock is also only 65 days instead of the 90 days previously allowed. (The first meeting is held about 19 days from the time the application is submitted.) This new language must be added to East Kingston current regulations. Further discussion will be continued at the next work session.

With no other business before the Board,

MOTION: Dr. Marston motioned to adjourn. Mr. Fillio second. The motion passed 5-0 and this August 20, 1998 public planning board meeting ended at 9:27 p.m.

Respectfully submitted,

Catherine Belcher
Secretary

Minutes complete and on file August 24, 1998.