

TOWN OF EAST KINGSTON, NH  
PLANNING BOARD MEETING MINUTES  
September 16, 1999

FILE

AGENDA

- 7:15 Steve Amundsen – 5 North Road Site Plan Review – Public Hearing  
7:30 Lorna Rajkowski – Forest Drive Home Occupation – Discussion

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, Dr. Robert Marston and Alternates David G. Morse and Peter A. Riley (7:07PM).

Absent: Beverly A. Fillio, Raymond R. Donald – Ex-officio, and Alternate Robert Nigrello.

Others attending: Kent Shepherd – Deputy Building Inspector, Alan Mazur – EK Fire Chief, Margaret Caulk, Ray Morales, Steve Amundsen, Mike Andersen, Mr. & Mrs. Dennis Lapham, Lorna & Steve Rajkowski, and other members of the public who did not address their concerns.

Chairman Smith called to order this September 16, 1999 public planning board meeting at 7:05 PM with the roll call. Noting the absence of members Raymond Donald and Beverly Fillio, he then designated Alternates Peter Riley and David Morse to participate in any voting matters before the board.

At this time and due to the rainy and windy weather, electricity in the Town Hall went out. The Board continued on with the meeting using kerosene lanterns.

July 15, 1999 Minutes: The Board acknowledged a written request for July 15, 1999 minutes corrections submitted by Margaret Caulk. The recording secretary stated that read through Ms. Caulk's list of corrections and did not see that any corrections to the minutes were necessary. She further stated that having drafted the minutes herself, she may not be as objectionable as others and because of that she recommended that Ms. Caulk's letter be filed with the original minutes. Chairman Smith agreed that Ms. Caulk's letter be made a part of the official record.

MOTION: Mr. Johnson motioned to approve the Planning Board's July 15, 1999 minutes as presented and to include Ms. Caulk's letter as part of the official record. Mr. Morse seconded. With no further discussion, the motion carried 3-0. (Dr. Marston abstaining.)

August 19, 1999 Minutes: Members reviewed the Planning Board minutes dated August 19, 1999.

MOTION: Dr. Marston motioned to accept the August 19, 1999 minutes as presented. Mr. Riley seconded. With no further discussion, the motion carried 3-0. (Mr. Johnson and Mr. Morse abstaining.)

Planning Board Attendance: At this time the Board took up discussion on the lack of selectmen representation at Planning Board meetings. It was noted that out of eight meetings (including this evenings) the ex-officio has attended only three. Members questioned whether or not to request the ex-officio member to be replaced by another selectmen but ultimately decided that when the ex-officio is present, he is an asset to the Board. All members were in favor of forwarding another letter (a similar letter was sent in May) to the Board of Selectmen Chairman requesting that a Selectman attend each scheduled Planning Board meeting.

Home Occupation Procedure: The Board then entertained discussion on the Home Occupation procedure for businesses who fall under Article 10.6:

*Businesses whose owners can demonstrate that they do not create any traffic, visual, or other impacts on the neighborhood (above and beyond those impacts resulting from the residential use of the property) may be exempted by the Selectmen from these permitting procedures.*

It was noted that past procedure has been to direct an applicant (who questioned whether or not his business could be deemed invisible) to the Board of Selectmen who would make that determination. This is also supported by the language of the ordinance, which states: "may be exempted by the Selectmen".

It has lately been the practice that the Selectmen direct such applicants to the Planning Board to make that determination. Chairman Smith stated that he thought it was best to send them to the Planning Board first who would make recommendation to the Selectmen

as to whether a business should be deemed invisible. He then brought up a case where the Selectmen exempted a Powwow River Road business from the permitting procedures as they deemed it invisible and then they (selectmen) turned around and issued the business a sign permit. Allowing a sign disqualified the business from being "invisible" in the first place.

He went on to say that if there are no customers going to and from the premises, no signage, no commercial vehicles, and absolutely no evidence of a business from the exterior of the building, then the business could be deemed invisible and exempted from the permitting procedures. The permitting procedures include a public hearing and all its applicable fees.

When questioned whether or not all businesses should have a public hearing for the purposes of informing abutters, all members present agreed that if a business was deemed invisible, the business owner did not need to go through the public hearing process.

It was noted that a Sanborn Road resident had inquired about whether or not her Internet business required a public hearing. Mrs. Bonnie Roth indicated that she wished to establish a retail business over the Internet. Orders would be shipped directly to the customer from the manufacturer, there would be no signage, and no customer traffic. She would set up a post office box for her business's mailing address.

Board members agreed that the "invisible" clause was drafted for businesses like the one proposed by Mrs. Roth. They stated that the Board of Selectmen should exempt her from the permitting procedures.

**Steve Amundsen – 5 North Road Site Plan Review – Public Hearing:** Chairman Smith opened the public hearing at 7:18 PM for Steve Amundsen's application to operate a printer warehouse/storage and printer equipment repair business from 5 North Road, formerly Denny's Automotive Repair.

Mr. Amundsen stated that like Mr. Lapham's garage, he would be operating a service business. Most of his time would be spent on the road servicing printing equipment, but the property would be used to house used equipment that he buys and sells. His business is similar to an electrician or refrigerator repairman. His business would occupy the entire building, as he has no plans to rent out any space.

Board members, reviewing the Site Plan Review Regulations and a sketch of the lot, asked Mr. Amundsen several questions, which warranted the following responses.

**TRAFFIC**—Traffic generated would consist of himself and his secretary, twice a month a flatbed or pick-up truck transporting used equipment, and very few customers. This is not a retail business—customers are by "appointment only".

**SIZE OF EQUIPMENT** – The printing presses he usually deals with are anywhere from 8,000 to 12,000 lbs. and measuring 6 feet to 12 feet long.

**SIZE OF THE BUILDING** – The building measures 100' by 40' (4,000 square feet) with only one floor. The roof was raised by Mr. Lapham to accommodate the repair of bucket trucks. There is running water in the building— a bathroom.

**CHEMICALS** – There would be no storage or supplying of chemicals. This is strictly a repair business. The only chemicals used would be those in a Safety Cleaning tank, which is EPA approved and documented. The Safety Cleaning tank is provided by and maintained by a private company. He does not have to dispose of the cleaning solution himself.

**SIGNS** – This is not much of an issue as it is not a retail business. He would have no problem accommodating the 4 square foot sign restrictions. A small sign would be erected over the door showing the business' name and address.

**BUFFER** – A natural buffer of brush and woods currently surrounds the side and rear areas of the lot. Although he is hoping to clean up the yard for cosmetic purposes, he is agreeable to maintaining buffers on each side of the property to shield the abutters.

**MOTION:** Dr. Marston motioned to invoke jurisdiction on the site plan review application for property located at 5 North Road, MBL# 04-02-06. Mr. Johnson seconded. With no further discussion, the motion carried 5-0.

Chairman Smith then requested that members review the Site Plan Review Regulations carefully as to address all pertinent issues that apply to this proposal.

**SEPTIC TANK**— A1,000-gallon septic tank currently services the building.

Michael Andersen, realtor handling the sale of the property, stated that an environmental study was conducted on the property. The report came back commendable for an automotive repair business site.

At Mr. Riley's inquiry, Mr. Amundsen stated that the purchase of the property is financed and that that is not the only reason the property was inspected. He would not want to buy any property with environmental problems. He then thanked the Board for agreeing to hold this public hearing despite the bad weather and lack of electricity.

Mr. Riley asked to review the environmental report. Mr. Amundsen handed him a copy. Mr. Andersen agreed to get a copy of the report to the Selectmen's Office for the file.

Chairman Smith asked if there were any questions from abutters. There were none.

Fire Chief Alan Mazur stated that he would like to request that an annual inspection of the building be conducted by the Fire Department so they (Fire Department) could be apprised of the equipment and set-up of the building for fire prevention/suppression purposes.

Mr. Amundsen replied that he would agree to this.

Fire Chief Mazur stated that should the application be approved, Mr. Amundsen should schedule an inspection immediately and each year after, around the same time of year, he (Mazur) would contact him for annual inspections.

Mr. Morse, Dr. Marston, and Mr. Johnson all stated that they thought Mr. Amundsen's proposed use was a good use of the property.

Mr. Riley on completing a review of the environmental report stated that the property received an excellent report.

Mr. Andersen stated that the town should thank Mr. Lapham for keeping the property clean throughout the years. Board members agreed and offered their commendations.

**MOTION:** Mr. Morse motioned to approve the site plan review to operate a printer warehouse/storage and printer equipment repair business at 5 North Road, MBL# 14-02-06, on the condition that an inspection of the building be conducted annually by the East Kingston Fire Department. Dr. Marston seconded. With no further discussion, the motion carried 5-0.

**Lorna Rajkowski - Forest Drive Home Occupation - Discussion:** Chairman Smith opened discussion at 7:42 PM with Lorna Rajkowski. Mrs. Rajkowski stated that she resides on Forest Drive, is a full time registered nurse, and would like to run a small graphics design business on the side. She stated that she has a full-size color printer that uses vinyl sheets and she has a machine that cuts the vinyl out.

She continued to explain that she does not plan to erect a sign, as her only source of advertising would be to go to different businesses herself with a portfolio. The vinyl signs and banners she would design are both indoor and outdoor signs. She currently works at Elliot Hospital and would like to do some decal work for the pediatric department. Her brother-in-law would help her with designing. She stated that she spoke with Donald Clark who directed her to meet with the Planning Board. She wants her business to be legal.

Again, she noted that there would be no signage, no traffic, and no customers. The printer is about the size of a microwave and it handles vinyl sheets measuring 12"x22".

Dr. Marston stated that according to the Board's earlier discussion that evening, he would consider this business invisible.

Mrs. Rajkowski stated that as far as the subdivision development's covenant is concerned, it states that no signs are allowed outside. It does not prohibit this type of business.

At further inquiry, she stated that all materials would be delivered by UPS and ordered over the Internet. There is no retail activity at her home. She would provide samples to clients at their locations.

Mr. Johnson stated that he thinks the business sounds invisible.

Other members agreed that the scope of the business presented falls under Article 10.6 of the East Kingston Zoning Ordinance and then directed Mrs. Rajkowski to get on the Selectmen's agenda for formal exemption. The Board's recommendation that the business be exempted from the permitting procedures would be forwarded to the Selectmen who would make the final determination.

Mrs. Rajkowski thanked the board and then left the meeting.

At this time, Margaret Caulk inquired as to the actions of the Planning Board regarding her request to have the July Planning Board minutes corrected. She was informed that the Board voted to attach her letter to the minutes as part of the official record.

She thanked the Board and stated that it is vital to her that her position and presentation made at the July meeting be clearly represented in the minutes.

With no further business before the board,

**MOTION: Dr. Marston motioned to adjourn. Mr. Morse seconded. With no further discussion, the motion carried 5-0 and this September 16, 1999 public planning board meeting ended at 7:55 PM.**

Catherine Belcher,  
Secretary

Minutes completed and on file September 19, 1999.

Minutes approved on 10/2/99.