



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2013-2014
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 19 September 2013
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Continued Public Hearing** for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.
- ◆ **Continued Public Hearing** for Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09.
- ◆ **Public Hearing** for Site Plan Review regarding a change of use for 14 Powwow River Road, MBL10-03-09 for Brad Jamieson to sell antiques, collectibles, crafts and consignment.
- ◆ **Public Hearing** for Lot Line Adjustment for Michael Donovan / Robert Donovan for MBL 13-03-07 (45 South Road) and MBL 13-03-08 (51 South Road), East Kingston, NH..
- ◆ **Public Hearing** for a Lot Line Adjustment / Voluntary Lot Merger for Edward A. LeClair and Diane Schlosstein-LeClair for lots MBL 09-02-06 (1 Depot Road) and MBL 09-02-08 (6 Haverhill Road), East Kingston, NH.
- ◆ **Discussion** with Carrie Allin regarding a possible addition to their 10 North Road building.
- ◆ **Discussion** with Larry Bean for a proposed tenant for his 4 Powwow River Road location (commercial property).

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

ROLL CALL: Mrs. White called the roll.

Members Present: Chairman Mr. J. Cacciatore, Vice Chairman Dr. R. Marston and Mr. J. Bath. Mr. C. Delling and Ex-Officio Mr. R. Morales were not in attendance.

Advisors present: Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche, East Kingston Building Inspectors Mr. J. Moreau and Mr. T. Welch and East Kingston Fire Chief Mr. E. Warren.

Others Present: Applicant Mr. Bradley Jamieson; Mr. Jamieson's representative, Mr. Dennis Quintal, Licensed Professional Engineer; Mr. & Mrs. Donovan; Mr. E. LeClair; Mr. & Mrs. L Bean; and Mrs. C. Allin..

Board Business

Minutes

The August minutes will be approved at the October meeting as they have not been reviewed by all the members and there is not a full Board present..

Continued Public Hearing for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.

Mr. Cacciatore asked for a motion to continue this hearing.

MOTION: Mr. Bath **MOVED** to continue the Public Hearing for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC. Dr. Marston seconded; the motion was unanimous

Continued Public Hearing for Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09.

Mr. Cacciatore opened this continued public hearing and invited Mr. Jamieson's representative, Mr. Dennis Quintal to update the Board on the status.

Mr. Quintal reported that he and Mr. Jamieson had been before the Zoning Board of Adjustment (ZBA) on September 12th for a variance hearing regarding the setback of the septic system to surface water, and had received that variance. He distributed updated copies of the amended site plan to the Board members which include the notation of the two variances received; one for the greenhouse and one for the septic setback.

He distributed a Flow Calculation Chart for the site and a sample form which will include a listing of all the tenants names and contact numbers, and provided a copy of the new septic system design submitted to the State for the file.

Mr. Quintal reviewed comments from the Town Engineer, who had no issues with the revised site plan and stormwater management plan. The updated plan showed sheet flow of the drainage off the site toward the wetland area. Mr. Stephens did comment that if the Board felt more direct treatment of "new" areas was warranted, they might recommend diversion of the stormwater from the new shed and greenhouse to the bio-retention area via drain pipes.

Regarding flows for the site, Mr. Quintal had submitted a septic plan for the State with flow calculations as specified on the copy submitted to the Board. The septic plan could not be sent to the State until a variance for the setback was received from the ZBA. Now that the variance has been received, they have submitted the plan to the Building Inspector, who will forward it to the State.

Mr. Cacciatore asked if there were comments from the Board or Ms. LaBranche. Ms. LaBranche asked if the Flow Table was up-to-date with all the current tenants. Mr. Quintal noted it did include all current tenant usage with the exception of A-2 which was vacant at the present time.

Ms. LaBranche noted the plan indicated the surface runoff from the equipment shed and greenhouse at the rear of the property was shown as being directed over the crushed asphalt towards the grass swale. Mr. Quintal noted the runoff would be treated by going through the grass swale before it reached the wetlands.

Mr. Quintal noted if the Board wanted, they could direct the roof runoff into the bio-retention area but would need to do some excavating to install the pipe. Mr. Quintal indicated there was a minimum distance of 30' from the roof of the equipment shed to the swale. Ms. LaBranche recommended to minimize any pollutants in the runoff from the equipment shed and greenhouse, that Mr. Jamieson direct the roof runoff into the bio-retention area. Mr. Quintal stated they would make that change to the plan and provide an updated copy.

Ms. LaBranche had some concern regarding the next application for the antiques shop as she noted the chart showed they would be over the allowed capacity of the existing system at the present time (750 gallons).

Mr. Quintal replied that application would be contingent on the revised plan being accepted by DES with the increased capacity and provision of the appropriate supporting paperwork.

Mr. Moreau asked what the setbacks to the wetlands were. Ms. LaBranche checked and reported there were no structural setbacks from wetlands, only setbacks for septic systems. The plan shows the equipment shed as 19' from poorly drained soils and 30' from very poorly drained soils.

Ms. LaBranche commended Mr. Jamieson for ensuring everything was complete on his application according to the ordinances and regulations.

Mr. Cacciatore opened the floor to abutters. Mr. Larry Bean, 4 Powwow River Road stated he thought Mr. Jamieson has done an excellent job on the site. There being no further comments, Mr. Cacciatore closed the floor to abutters.

Mr. Cacciatore asked for a motion.

MOTION: Dr. Marston **MOVED** to approve the Amended Site Plan Review for Bradley Jamieson for 14 Powwow River Road, MBL 10-03-09 with the condition the revised septic system being approved by the State and the revised drainage to be shown on an updated plan before recording; Mr. Bath seconded; the motion was unanimous.

Mr. Jamieson and Mr. Quintal thanked the Board for their time.

Mr. Cacciatore closed this public hearing.

Public Hearing for Site Plan Review regarding a change of use for 14 Powwow River Road, MBL10-03-09 for Brad Jamieson to sell antiques, collectibles, crafts and consignment on the 2nd floor.

Mr. Cacciatore asked Mr. Jamieson explain his application to the Board. Mr. Jamieson indicated the space he was anticipating leasing for this use was above the KidLogic, approximately 36' x 60', and has a front entry space on the first floor just to the left of the child care for access to the second floor. He has been in contact with a potential tenant who is now located in Seabrook and the use will be similar to other antique stores with spaces for rent to individual consignees. The shop will be run by only one person.

He was not sure what hours of operation to ask for as he did not want to limit the usage for a potential client if they needed time to set up before working hours or might have some sort of meeting after the regular hours or to redecorate. After Board discussion, Mr. Jamieson requested for the hours of 7:00 a.m. to 9:00 p.m., 7 days a week, which would take into consideration anything that might need to happen either before or after the normal business hours of the shop. Mr. Jamieson agreed and requested those times.

Mr. Cacciatore asked if the Board members or Ms. LaBranche had any questions. Ms. LaBranche noted the approval should be conditional on the septic plan being approved by the state.

Mr. Cacciatore opened the floor to abutters. There being no abutters to make comment; Mr. Cacciatore closed the floor to abutters.

Mr. Cacciatore asked for a motion.

MOTION: Mr. Bath **MOVED** to approve the Site Plan Review for Bradley Jamieson, 14 Powwow River Road, MBL 10-03-09 for sales of antiques, collectibles, crafts and consignment with the operating hours of 7:00 am to 9:00 pm, 7 days a week and conditional on the revised septic system being approved by the State; Mr. Cacciatore seconded; the motion was unanimous.

Mr. Cacciatore closed this public hearing.

Public Hearing for Lot Line Adjustment for Michael Donovan / Robert Donovan for MBL 13-03-07 (45 South Road) and MBL 13-03-08 (51 South Road), East Kingston, NH.

Mr. Quintal, acting as Mr. Donovan's representative, explained the history of the lot.

In 2012, other property on Andrews Lane owned by Mr. Donovan was subdivided. At that time, soil testing was done for those lots and also MBL 13-3-7, which belonged to Mr. Donovan's son. The lot had previously belonged to Mr. Amelli who had anticipated using that lot to live on. Unfortunately he passed away and the property passed to his brother, who then sold it to the Donovans.

The Donovans would like to make the lot larger and take area from the adjoining lot to accomplish this. This would take the size of MBL 13-3-7 from $\frac{3}{4}$ of an acre to a two acre lot, which was more in line with other lots in Town, and would leave MBL 13-3-8 (where they presently reside) at 2 $\frac{1}{2}$ acres which meets Town requirements.

Test pits have been performed on MBL 13-3-8 and show a 40,000 sf reserve area, although there is an existing well and septic system on the property. There is no impact to this piece of property. Enlarging MBL 13-37 creates more upland area, making it a buildable lot without the need for waivers. Test pits and the proposed driveway on South Road are shown for MBL 13-3-7.

Mr. Cacciatore opened the floor to abutters. There being none, Mr. Cacciatore closed the floor to abutters.

Mr. Cacciatore asked if the Board had questions or comments. Ms. LaBranche noted this lot line adjustment brought an undersized lot up to the minimum lot size according to current zoning.

It was noted a condition of approval was that granite bounds would be set and a certificate of monumentation would be signed by the Building Inspector before the mylar could be recorded. Mrs. White reminded Mr. Quintal that a check for \$26 made out to the Rockingham County of Deeds would need to accompany the mylar for the LCHIP charge before it could be recorded.

Mr. Cacciatore asked for a motion.

MOTION: Dr. Marston **MOVED** to approve the Lot Line Adjustment for Michael Donovan / Robert Donovan for MBL 13-03-07 (45 South Road) and MBL 13-03-08 (51 South Road), East Kingston, NH with the conditions noted; Mr. Bath seconded; the motion was unanimous.

Mr. Cacciatore closed this public hearing.

Public Hearing for a Lot Line Adjustment/Voluntary lot merger for Edward A. LeClair and Diane Schlosstein-LeClair for lots MBL 09-02-06 (1 Depot Road) and MBL 09-02-08 (6 Haverhill Road), East Kingston, NH.

Mr. Cacciatore opened this public hearing and invited Mr. LeClair to the front to explain what he wanted to do.

Mr. LeClair explained his intent was to combine two non-conforming lots into a more conforming lot. MBL 9-2-6 is .46 acres and MBL 9-2-8 is 1 acre; the new combined lot total would be 1.46 acres.

Mr. Cacciatore asked if the Board had questions or comments. Ms. LaBranche inquired if the ROW easement was deeded. Mr. LeClair stated it had been deeded to the state when he had a survey done for 1 Depot Road to clear up a question of proper taxation of the lot.

Mr. Cacciatore asked for a motion.

MOTION: Mr. Cacciatore **MOVED** to approve the Lot Line Adjustment/Voluntary Lot Merger for Edward LeClair for MBL 09-02-06 (1 Depot Road) and MBL 09-02-08 (6 Haverhill Road), East Kingston, NH; Dr. Marston seconded; the motion was unanimous.

Mr. Cacciatore closed this public hearing.

Discussion with Carrie Allin regarding a possible addition to their 10 North Road building.

Mrs. White explained she had recommended Mrs. Allin have a discussion with the Board in regard to the addition she and her husband wanted to make to their 10 North Road property. They operate an automobile restoration business at that address and also live there.

Mrs. Allin stated what they wanted to do is to push out the front part of their building where the garage doors are 25' forward to give them more workshop room. Presently this area is blacktop. The façade would look the same as it does presently.

The Allins had originally submitted a site plan to the Planning Board, but Mrs. White wanted to make sure before she accepted their application and check that the Planning Board could help them with a waiver. Since this is a grandfathered commercial use in a residential area, Mrs. White was sure they would need to go to the ZBA (Zoning Board of Adjustment) for a variance.

Mrs. White had provided the minutes from 2 previous meetings at which the Allin's had received approval to operate their restoration business which stated it was a grandfathered use. ***Article XXI, Paragraph E - Structure or Land Use Conformance*** of the ordinance states a non-conforming use or structure shall not be enlarged or expanded either in use or structure. Ms. LaBranche corroborated that fact and agreed the ZBA was the correct forum for them to seek relief.

Mrs. White returned the application check to Mrs. Allin and Mr. Quintal stated he would fill out the appropriate paperwork to come before the ZBA to seek a variance.

Mrs. Allin reported to the Board that their business, Rare Drive, had received the biggest award they had ever received - basically "Best in Show" which was a very prestigious award and they were very proud to have won. She also stated they were so happy living in East Kingston and conducting their business at 10 North Road.

Mrs. Allin thanked the Board for taking the time to speak to her.

Discussion with Larry Bean for a proposed tenant for his 4 Powwow River Road location (commercial property).

Mr. Cacciatore invited Mr. Bean to the front to explain what he wanted to do.

Mr. Bean stated he had already rented out 2 spaces in his building, one for automobile restoration and one for a woodworking business. There is a carpentry shop (boat builder) who is interested in the end unit of his building. Since he was already approved for the woodworking business, he wanted to know if he still would need to come before the Board with a site plan for this new business as he considers them both carpentry businesses. The boat builder is very low key, building 1-2 boats per year. He works alone at the present time, but they were indicating 2-3 employees just in case something changes in the future.

After discussion, it was ascertained he would need to have a public hearing since it constituted a change of use as there had never been a tenant in that part of the building before.

Mr. Bean stated he would be installing a propane heater and would obtain all the proper permits from the Fire Department.

Mr. Moreau noted at the present time, there was a chemical toilet on the property for the tenants. He asked if there was any limit to the number of those Mr. Bean could have on the property? Mr. Quintal noted there was no limit as it was a closed system.

Mr. Bean thanked the Board for their time and said he would drop off an application and check the next day.

Other Board Business

Zoning Verification Form

Mrs. White had received a call from Stephanie Sturgis who currently runs a before-and-after school program at the East Kingston Elementary School. They have expanded their hours at the request of the school and now are required to have a Zoning Verification form signed by someone from the Town, much like what was done for the Preschool at 14 Powwow River Road. Mrs. White was fairly sure it was the Selectmen who needed to sign the form and not the Planning Board, but wanted to make sure.

Ms. LaBranche opined it *should* be the Selectmen who sign it, and recommended that Ms. Sturgis obtain a letter from the school in addition to the e-mail she had sent to Mrs. White to provide to the Selectman. This way they are sure the school knows what is going on and approves.

Mrs. White will inform Ms. Sturgis about the letter from the school and give the Zoning Verification form to the Selectmen's Office next week.

Regional Master Plan Update

Ms. LaBranche reminded the Board of the Regional Master Plan Update sessions to be held in Plaistow, Portsmouth, Seabrook, Brentwood and Hampstead. The Rockingham Planning Commission is looking for public input and these sessions are free. Mrs. White will post the notice at the Town Hall.

Council's Opinion

The Board discussed Council's opinion on pending litigation and asked Mrs. White to set up a meeting with him for the Board. Mrs. White will contact him on Friday and find out available times and dates.

ADJOURNMENT

MOTION: Mr. Cacciatore **MOVED** the Planning Board adjourn, Dr. Marston seconded.

The meeting was closed at 8:45 pm. The next Planning Board meeting will be October 17.

Respectfully submitted,

Barbara White

Barbara A. White
Planning Board Secretary

Mr. Cacciatore
Chairman

Minutes approved October 17, 2013