



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2017-2018
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 21 September 2017
7:00 pm

AGENDA:

- ◆ Call to Order
- ◆ **Public Hearing** - Minor Site Plan Review for, Cynthia Ditucci, 3 Clark Road, East Kingston, NH (MBL 10-4-8-1) Ditucci Oil, for a home office and a business certificate - EK PB 17-0H.
- ◆ **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-2-17) regarding a change of use for new tenant David Mastroianni, Wind River Environmental in the light industrial park (EKPB#04-0I).
- ◆ Approval of August minutes

Board Business

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

Members Present: Vice Chairman Dr. Robert Marston, Josh Bath, and Ex-Officio Richard Poeleart. RPC Senior Planner Julie LaBranche as also present, as well as residents/abutters Albert Dittman and Stephen and Lorna McMillan.

Board Business

Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-2-17) regarding a change of use for new tenant David Mastroianni, Wind River Environmental in the light industrial park (EKPB#04-0I).

As the Ditucci's were not in attendance at the start of the meeting, the Board opened with the Public Hearing for Wind River Environmental.

Dr. Marston opened the Public Hearing and asked Mr. Mastroianni to present his application to the Board.

Mr. Mastroianni noted he was in charge of Wind River Environmental in New Hampshire and wanted to rent space at the light industrial park to park his four trucks. He would be located in Building #8, where the welding shop was located. He is leasing the entire building. There are two bathrooms with showers, the building is heated, and there is also an office on the 2nd floor which he will utilize. The Board went through the application.

The garage bays are ventilated, and there is a fire suppression system in place. Mr. Bath noted a requirement was for periodic inspections by the Building Inspector and Fire Department; Mr. Mastroianni was agreeable to any inspections that were necessary.

Mr. Bath asked if his trucks would be empty when at the site. Mr. Mastroianni noted he emptied the trucks at the Hampton treatment plant so they could be cleaned up and ready for the next days' run and not waste time emptying them at the start of a day. There might be an occasion they would need to bring the truck back full, but it is not the usual procedure to do so.

He would have his trucks parked inside the building at all times, unless a truck was broken down and then it might be outside waiting for it to get towed to be repaired. He would store nothing on the outside of the building.

Mr. Mastroianni will have 4-6 employees who drive the trucks. There is a dumpster on site for refuse. There will be no additional exterior lighting or loud speakers, and there will be no heat or glare observable beyond the property line. No vibrations or detectable radiation will be generated.

There will be no smoke or dust exhausted into the air. Mr. Mastroianni explained sometimes if they are transferring liquid from truck to truck, there is some steam which may look like smoke but it is not smoke - only steam. Occasionally there might be a slight residual odor on the trucks; objectionable odors would be minimal and sporadic.

All pump oil, antifreeze and other fluids will be stored on containment pallets, which are designed to catch any leakage. They are 10-12" deep with a grated top to capture any leakage. Ms. LaBranche asked what containment procedures were in place should a leak happen from one of the trucks. Mr. Mastroianni noted the truck valves are capped at night, but in the instance there was any leakage they would put containment in place and vacuum up any leakage. There is also a drainage grate at the edge of the garage doors that drains into the park septic system.

Mr. Poeleart asked how long he would need to run the trucks to warm them up; Mr. Mastroianni answered it only took a few minutes for them to warm up as they were fairly new trucks.

Ms. LaBranche asked if there was an alarm system - no. Mr. Mastroianni noted he was installing cameras to protect against anything happening to the business computers. There will be a hard phone line but it is not installed yet.

Mr. Mastroianni had asked for hours of 6:00 am to 6:00 pm, Monday through Saturday but was advised to change it to 9:00 pm as he had indicated there might be an occasional time they would need to answer an emergency call. Mr. Mastroianni asked to change the hours to 6:00 am to 9:00 pm - Monday through Saturday.

It is noted there were no abutters present.

There being no further questions from the Board, Dr. Marston asked for a **MOTION**

Mr. Bath **MOVED** to approve the change of use for Paul Masone, 213 Haverhill Rd., (MBL 11-02-17), East Kingston Light Industrial Park for David Mastroianni, Wind River Environmental (EKPB#17-01) with the condition for periodic inspections by the Building Inspector and Fire Department, hours of 6:00 am to 9:00 pm - Monday through Saturday, and all other conditions reviewed and listed in the Notice of Decision; second by Mr. Poeleart The vote was unanimous.

Dr. Marston closed this public hearing.

Mr. Mastroianni thanked the Board. Mrs. White will send Mr. Mastroianni and Angie Masone a copy of the decision.

Public Hearing - Minor Site Plan Review for, Cynthia Ditucci, 3 Clark Road, East Kingston, NH (MBL 10-4-8-1) Ditucci Oil, for a home office and a business certificate - EK PB 17-0H.

This Public Hearing could not be held this evening as it was noticed incorrectly. Apologies were given and it will be noticed in October as a Home Occupation. The new date for the Public Hearing is October 19.

As there were abutters present, the Mr. Ditucci was given an opportunity to explain that all he wanted to do was have a home office for his business at his residence, not run his business from there.

It was necessary for him to request this through the Planning Board as he needed a Certificate of Business to present to Massachusetts, where he had purchased another similar company to merge with his.

Mr. Dittman asked if the approval for the home occupation became null and void should the Ditucci's move. Mrs. White and Ms. LaBranche both confirmed that it did; the home occupation would cease for that address.

The Ditucci's were quite understanding and will come back in October. There will be no additional costs associated with this new public hearing.

Road Bonding

Mr. Poeleart asked Ms. LaBranche is there was some mechanism by which the Town could perhaps put a hold on a subdivision's final lot in the case where the road had not been completed as required to ensure there were adequate funds to complete the road. Or perhaps have a mandatory periodic review to ensure that the bonding amount originally put in place was still viable for the timeframe the road finish coat would actually be installed. Normally is quite some time after the subdivision is approved and the bond amount calculated. Ms. LaBranche noted it should be a bank check or letter of credit.

Ms. LaBranche noted this could happen but would need to be added to the regulations. She would look into proper wording.

Industrial Park

Mr. Bath had driven through the industrial park before the meeting at the request of Mr. Poeleart to observe the present conditions. It was reported that there were many instances of junk and various types of debris, as well as asphalt in and around the buildings in the light industrial park, which is not allowed. It appears a good portion of the road has also been paved, and it was questionable if this was approved. What is the responsibility of the park owner in this instance?

Ms. LaBranche recommended she and the Building Inspector look over the last site plan that was approved when the park owner built the last two buildings. Mrs. White will get that information to them next week. Ms. LaBranche suggested after notifying the park owner, the Planning Board to make a site inspection, along with Code Enforcement, the Fire Department and the Conservation Commission.

It was the consensus of the Board that a site visit should be conducted. Ms. LaBranche will send out a notice to the members if they want to go on the site walk with she and the others.

Infringing on the Wetlands

Mr. Poeleart asked if there was any mechanism by which to ensure that people who bought lots did not arbitrarily fill in the wetlands on their property to give themselves more usable land. Most of the time when there is a building lot, that owner knows what they can and cannot do with the property. How do we make sure the next owner is informed?

Ms. LaBranche noted wetlands could be marked permanently. It could be also added to the building permit process that the Building Inspector will inspect the property periodically (perhaps on a yearly basis) to make sure the wetlands were not being impacted in any way. Ms. LaBranche will work with the Building Inspector on this.

Country Hills

Ms. LaBranche referred to a memo from an attorney for Country Hills asking for Board approval of the changes they had made to their by-laws. She suggested that the Board perhaps approve the changes at the next meeting.

Mrs. White noted that the Town Attorney had already reviewed them and found them acceptable; the concern was that Country Hills was of the opinion that changes to the By-Laws should not have to come before the Planning Board. Mrs. White had reminded them that the East Kingston Ordinance states "the Planning Board shall determine whether the Articles and By-Laws operate to serve the unique needs of elderly residents." This is their responsibility. Ms. LaBranche will review this further.

South Road Issue

Code Enforcement is keeping an eye on things.

Approval of August minutes

Dr. Marston asked for a motion on the August minutes.

Mr. Poeleart **MOVED** to approve the August minutes as presented; Mr. Bath seconded. Unanimous approval.

Adjournment

MOTION: Mr. Bath **MOVED** the Planning Board adjourn, Mr. Poeleart seconded. The motion passed unanimously.

Dr. Marston closed the meeting at 8:05 pm.

The next Planning Board meeting will be on October 19, 2017 at the Pound School.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved November 16, 2017