



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2015-2016
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 15 October 2015
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Discussion** on proposed updates/changes to the regulations and ordinances.
- ◆ **Discussion** on changes to the home occupation ordinance.

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 Joe Cacciatore, Mr. J. Bath, Mr. B. Caswell, and Ex-Officio Mr. R. Morales. Vice Chairman Dr. R. Marston and Mr. C. Delling were excused.

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

Board Business

Minutes

Minutes will be approved at the November meeting.

Discussion Regarding Non-Compliance at 17 Haverhill Road

It had been brought to the attention of Code Enforcement the Used Car business on Haverhill Road appeared to be in non-compliance with the conditions of approval issued by the Planning Board on November 20, 2014 for his business occupation. The allegation is there are more cars than were approved for and that outside spray painting was occurring. As the approval came from the Planning Board, Code Enforcement was looking for direction on how to proceed in the matter.

There was Board discussion and consensus that the Fire Chief and the Code Enforcement Officer should make an inspection of the business to see if it was in compliance and proceed from there. The Board agreed if deficiencies were found and compliance did not happen within the 10 days, the next step would be to send a letter to both the landlord and the business owner indicating that the approval for the business to operate would be rescinded as per RSA 676.4-A, I.B.

MOTION: Mr. Bath **MOVED** that conditional on the inspections of the Fire Chief and Code Enforcement, if the business is in violation of any of the approved conditions, Chuck Rich Used Cars would have 10 days in which to come into compliance. If compliance does not happen within the 10 days, a letter will be sent to both the landlord and the business owner rescinding the business occupancy approval per RSA 676.4-A, I.B; seconded by Mr. Morales. The decision was unanimous.

When Code Enforcement and the Fire Chief have made their inspections, they will forward a copy to Mrs. White for the file.

Discussion Regarding Power Sports Business

It was noted that the Power Sports repair business might be storing vehicles outside overnight which is a violation of their conditions of approval. Mrs. White will send a copy of the minutes and the decision to Code Enforcement. Board consensus was that Code Enforcement will speak to the landlord and the business owner about this.

Discussion on Proposed Amendments to the Zoning Ordinance/ Subdivision Regulations

Ms. LaBranche handed out proposed changes to the Board members. The Board reviewed the following proposed amendments to the Zoning Ordinance and Subdivision Regulations and had discussion on:

- non-conforming uses
- reconstruction / expansion / discontinuance / change of use
- non-conforming lots / criteria
- changing the definition of frontage
- lot, area and yard requirements
- some other definition changes

The Board also reviewed proposed changes to the subdivision regulations for the General Requirements for the Subdivision of Land. Most of the changes proposed are to make the ordinances and regulations clearer and more easily understood. Ms. LaBranche will check with the Town Attorney on the proposed changes to the definitions of right of way and street.

Size of In-Law Apartment

Mr. Cacciatore was approached by a resident with a question about increasing the square footage allowed for an in-law apartment. He informed the resident the Planning Board did not have the ability to make that change. Any proposed change would need to be placed on the ballot as a warrant article or submitted at a Citizen's Petition and voted on by the residents of the Town. Discussion determined it would be better if that type of change was to be submitted as a warrant article presented by the Planning Board. Everyone agreed that 500 sf was very small and opined that 800 sf-900 sf might be a better size. Ms. LaBranche noted that also there were changes coming from the House on that subject.

Ms. LaBranche will draft something for the Board to review next month with the changes discussed.

Chief Warren's proposed changes to the ordinance for compliance with State Fire Code

Chief Warren noted that every Town has a different set of rules, and contractors are of the opinion if they follow either the Town ordinances or the NFPA codes they will be correct. That is not always the case and he would like to clear those items up and make sure that they are enforceable with the correct wording in the regulations/ordinances.

The Chief would like to be able to provide a list of items to follow for the contractors that the Selectmen's Office can hand out.

Some of the clarifications he would like to see are:

- Standby generators are required to be on a concrete pad. At the present time the regulation is not worded properly so is not enforceable.

- Building Code requires smoke detectors; Fire Code requires combination smoke / CO detectors. This needs to be changed.
- Propane systems should be pressure tested for 24 hours; five leaks have been found in the last year over 24 hours because a 15 minute test is not enough time to pressure test properly. Need to correct the wording.
- Clean up the 35 foot rule. State Fire Marshall's Office says it is not approved to follow what builders use, which is to go by a topographical look; taking the topographical average to the center line of the roof. No Fire Service anywhere in the state is allowed to go by that measurement. By State law the measurement will start where there is a walk-out at the basement level, and the measurement goes to the eaves of the house. For the most part, Fire Codes do not follow Building Codes.

Chief Warren asked the Board as he does know if we have to create an ordinance or put it in the Building Code. Most towns put it in their Building regulations.

Ms. LaBranche asked if there was a Town fire code; Mr. Warren stated there was not. NFPA regulations, with a few variations is what was used.

Mr. Morales noted it would be helpful to reference the NFPA Fire Code, with notations on the exceptions. That way updates to the Fire Code would automatically be included.

Chief Warren suggested the following wording in the regulations: "The Town of East Kingston recognizes the latest version of the NFPA fire code along with the appropriate Town ordinances and regulations." Ms. LaBranche opined the Building Codes were the best place to insert this statement.

There was Board consensus for Chief Warren to confer with Ms. LaBranche for the adjustments for wording in the regulations.

Mr. Bath reminded the Board that Mr. Quintal had some recommendations for changes regarding driveways and mailboxes that he wanted added to the regulations/ordinances; Ms. LaBranche noted those items would be added in the site plan regulations.

Home Occupation Ordinance

This discussion ensued as a result of the decision of the Board to allow an auto repair home occupation in a residential area. There was discussion on the difference between an auto repair shop and auto body shop.

Ms. LaBranche discussed that allowed home occupations fall into three categories; service oriented, professional business and small hobby-type businesses (manufacturing). Ms. LaBranche noted there seemed to be some confusion regarding paragraph E.12 which was added as not any list could include all the allowable possibilities.

Mr. Cacciatore noted that the Town had changed in the last 20 years; there used to be several "garages" and now there were none. Mr. Morales opined auto repair and small engine repair should be allowed as a home occupation.

Mr. Bath stated he was agreeable to changes, but as the residents had indicated via input for the Master Plan and the charette, they wanted a rural community feel. He opined these types of changes should be explained in-depth to the residents so they know what they are voting on. Mr. Morales noted that all these proposed changes are noticed for the meetings, and residents choose not to come.

Mr. Bath noted that all indications in the past have been that the people do not want this type of activity to happen in the residential zones; there are distinct districts for certain activities. His opinion is the Planning Board should make more of an effort to inform the residents of just what the outcome of the proposed changes could be. Mr. Morales noted this Board does all they are required to by noticing and opening up the meetings to the residents for their input. The Board had no control if they decide to attend or not.

Discussion ensued on the different ways information could get out to the residents, ie., on-line survey; the Town website, facebook page, information posted in the Town Hall, library and the post office.

Mr. Morales opined he would like to see this go on a warrant article for 2016. The Board really needed more clarification for this as it was what comes up most. They would need to get some specific definitions of the different categories - service, retail and manufacturing. Then they could allow anything within those categories, and list the exceptions that are not allowed in each one.

Ms. LaBranche was concerned about the timing for required noticing. It would take at least a month to advertise for those public hearings. A simple change could be made to allow auto body and auto repair, but it sounds like that is not where the Board really wants to go. There was not time for research into what needed to be included and how to get the information out to the residents. After discussion, the board agreed to wait for changes at this time to allow them more time for research and to put together a list of exceptions for the categories and perhaps offer it on a warrant article for 2017.

Ms. LaBranche will make the changes to the other regulations and ordinances that were discussed, review with the Town Attorney and have them ready for the November meeting.

MOTION: Mr. Morales **MOVED** the Planning Board adjourn, Mr. Bath seconded.

Mr. Cacciatore closed the meeting at 9:10 pm. The next Planning Board meeting will be on November 19th, 2015.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved November 19, 2015