



PLANNING BOARD  
TOWN OF EAST KINGSTON  
New Hampshire

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

**MINUTES**  
Regular Meeting 17 October 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.
- ◆ **Public Hearing** for Site Plan Review for Mr. Larry Bean for 4 Powwow River Road, MBL 10-03-10 for change of use.
- ◆ **Review** of the CIP
- ◆ **Discussion** regarding the 100' Town setback versus the State 75' setback from wetlands and surface water.

**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, Mr. J. Bath, Mr. C. Delling and Ex-Officio Mr. R. Morales.

**Advisors present:** Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche, East Kingston Fire Chief Mr. E. Warren.

**Others Present:** Applicant Mr. L Bean and proposed tenant Mr. William Colbert; Mr. Kevin Bean.

**Board Business**

**Minutes**

Mr. Cacciatore asked for a motion to approve the September minutes.

**MOTION:** Mr. Bath **MOVED** to approve the September minutes as presented; Dr. Marston seconded. Mr. Morales abstained as he was not present. The motion passed.

**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. Mr. Delling seconded; the motion was unanimous

**Public Hearing for Site Plan Review regarding a change of use for 4 Powwow River Road, MBL10-03-10 for Larry Bean for a carpentry tenant.**

Mr. Cacciatore asked Mr. Bean explain his application to the Board. Mr. Bean indicated the space he was anticipating leasing for this use was Unit D of his 4-unit Building.

Mr. Bean distributed an updated copy of his building, showing the addition of a second story egress for Units B & C and an additional two propane tanks. He asked that a copy be forwarded to the Fire Chief. Mrs. White noted she would make sure Mr. Warren received his copy. Mrs. White noted the Fire Chief had indicated his inspection of the site was complete and there were no issues.

Mr. Colbert, proposed tenant, indicated he owns Grey Barn Boatworks presently located in Newton, NH. They finish highly customized boats and production is limited to 1-3 boats per year. The major components are fabricated off-site and would be transported to the workshop. Installation of electrical systems, running gear and fabricating of custom interior parts and painting would be completed at the workshop.

Mr. Cacciatore asked what type of material the boats were composed of; Mr. Colbert answered fiberglass.

Traffic impact to the surrounding area would be minimal as they would be working with 1-3 clients per year, with only periodical delivery trucks. No more than 4 parking spaces are required; the site presently has adequate designated parking. At the most, three boats (either completed or in progress) would be stored outside in an area designated by the landlord.

Mr. Colbert will utilize some chemicals/combustible materials in the process of finishing the boats, which will be stored in metal lockers. The Fire Department will complete an inspection of the premises and approve the storage procedures for the business.

His request is for hours of operation 7:00 am to 8:00 pm, Monday through Sunday. At the present time he works alone, but anticipates in the future no more than 4 employees would be working at any one time and would like permission for that number.

The only lighting anticipated will be motion sensing exterior door lighting; the same as on the other units.

Mr. Bean indicated he would be installing a propane heater and two additional propane tanks and would obtain all the proper permits from the Fire Department.

Mr. Cacciatore asked if the Board members or Ms. LaBranche had any questions.

Mr. Morales asked about any noise generated by the procedure. Mr. Colbert answered he would be using a fiberglass grinder and plane. To Ms. LaBranche's question regarding dust, smoke and vibration, he indicated there would be no sanding done outside of the building and that he would have a dust collection system in place. There would be no radiation of any kind.

Ms. LaBranche asked about signage; Mr. Colbert indicated he was not ready for a sign as of yet, but he would comply with the approved signage in place for the site.

Mr. Warren joined the Board and verified he had completed all his inspections and there were no issues.

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

Mr. Cacciatore asked for a motion.

**MOTION:** Mr. Bath **MOVED** to approve the Change of Use for William Colbert, dba Grey Barn Boatworks for fabrication of boats at 4 Powwow River Road, MBL 10-03-10 with the operating hours of 7:00 am to 8:00 pm, 7 days a week; Mr. Delling seconded; the motion was unanimous.

Mr. Cacciatore closed this public hearing.

Mrs. White indicated she would send Mr. Colbert and Mr. Bean a copy of the decision and the addendum sheet. Mr. Bean and Mr. Colbert thanked the Board for their time.

## Review of the CIP

Mrs. White indicated that as in the past, she did not have responses from all the department in regard to providing figures for the CIP. A response from the Cemetery Trustees indicated they were waiting for quotes and would get back to her as soon as they had those figures. Mr. Warren noted that he had received the letter from Mrs. White, and the Fire Department was waiting to review their budget with the Selectmen before submitting it to Mrs. White. Mr. Morales indicated the departments were in the process of meeting with the Selectmen to finalize their budgets.

The only figures she had received was from the Police Department. She reviewed their figures with the Board.

## Other Board Business

### Zoning and Master Plan updates

Updates to the Zoning and Ordinance Book and the Master Plan were discussed. Ms. LaBranche will work on rewriting the Subdivision Regulations as part of the Circuit Rider contract. The Board could decide which of the Master Plan Chapters to work on with matching funds for later on in the year; Ms. LaBranche recommended the Visioning, Existing Land Use and Future Land Use Chapters as the most important to work on first.

Mr. Morales recommended the Planning Board write milestones for what they hoped to accomplish in the next five years; not unlike CIP projections. Ms. LaBranche agreed that was a good idea and asked if everyone could bring their ideas of what to include for the milestones to the November and December meetings.

### Subdivision Condition of Approval discussion

Mrs. White reviewed she had a resident come to the Selectmen's Office who wanted discuss a request a waiver from the sprinkler requirement as it appears in the regulations. She had never had anyone come for a waiver before that was not attached to a subdivision application, and was not sure how to handle it. She had the resident fill out an abutters list and submit a check for \$200 for a public hearing. He was going to give her the narrative and waiver request by Tuesday the 22nd so he would make the application deadline. She was looking for some guidance from the Board as she was not sure just how to proceed.

Mr. Warren has submitted a letter to the Selectmen, with a copy to Mrs. White, in which he stated this issue should be between the resident and the Fire Department and not one the Planning Board would have any jurisdiction for. Mr. Warren noted he had spoken to the State Fire Marshall's Office and had some alternatives to offer to the resident.

After explanation and discussion, the Board agreed it was not a Planning Board issue and the resident should have his application fee returned to him. Mrs. White will call the resident on Friday and offer to return his fee and re-direct him to the Fire Department for further discussion.

**MOTION:** Mr. Morales **MOVED** to reject the request for Planning Board review of fire suppression system for the Mears property as it had been determined it was not a Planning Board issue; Mr. Bath seconded; the motion was unanimous.

### Fire Department Warrant Article Proposals

Smoke/CO2 Detectors - Mr. Warren noted that at the present time, per NFPA requirements, a home is required to have one combination smoke/CO2 detector on each level, and smoke detectors in each bedroom. As towns are allowed to be more restrictive than the state requirements, Mr. Warren would like to make it a requirement that all detectors are combination detectors. Ms. LaBranche asked if that requirement was for both residential and commercial Building; Mr. Warren agreed it was.

Pressure Test for Propane Tanks/Generators - Mr. Warren noted at the present time NFPA Code states the test should be for one hour, but fire departments typically test overnight to get a more true reading. He would like have the regulation state the overnight test. Ms. LaBranche noted both the proposals could be added to the Building Code.

Mr. Warren will write out a formal submission for these proposals and bring it to the next meeting.

### 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. The Selectmen will be the entity to sign the form.

At the last meeting, Ms. LaBranche suggested Ms. Sturgis obtain a letter from the school in addition to the e-mail she had sent to Mrs. White showing the school knows what is going on and approves; she has done so. Mrs. White re-submitted the e-mail, letter and Zoning Verification form to the Selectmen, and the Selectmen have requested a letter from the Planning Board much as the letter we submitted for Erin Kearney. The form only verifies the location is Zoned for the use.

Mrs. White read Ms. Sturgis' letter and the letter from the school to the Board.

There was Board discussion on this subject. Mr. Cacciatore opined it was a commercial use; Ms. LaBranche noted it was an extension of school services. Mr. Bath agreed, especially in light of the fact that these services have been offered since 2003.

Ms. LaBranche reviewed the general provisions for the *Article VIII, Uses Permitted* which states the Town shall be mainly a district of farms and residences, home produce and products, single houses, places of worship, etc. Schools have to be allowed anywhere in the Town. Even though it is not specifically listed, it is not specifically prohibited.

**MOTION:** Mr. Bath **MOVED** to verify the use as allowed in the zoning district for the extended day care provided by the YMCA and recommends the Planning Board send the letter the Selectmen requesting they sign the Zoning Verification form.

Upon further discussion, Mr. Bath rescinded his motion. Ms. LaBranche offered to do some research on schools and the Board will re-address this issue at the next meeting.

**MOTION:** Mr. Morales **MOVED** to continue this discussion until the November 21 meeting; Mr. Delling seconded. The motion was unanimous.

### County Hills Road Bond Report

Mrs. White noted the Town Engineer had sent a reduction in road bond report directly to the Selectmen's Office instead of the Planning Board; they did copy the Planning Board. She asked Mr. Warren if he could supply her a copy of his report that was referred to in the report; he stated he would. Mrs. White established later that road bonds did not go through the Planning Board, but do go to the Selectmen. She had gotten confused with Newton's procedures.

### Home Occupation Application

Mrs. White noted there will be an application for home occupation on the November agenda.

### Discussion regarding the 100' Town setback versus the State 75' setback from wetlands and surface water.

ZBA Chairman John Daly had asked the Board consider changing their regulation of 100' pertaining to the setbacks from poorly drained soils to match the state setback of 75'. Mrs. White noted Conservation Chair Mr. Quintal also recommended the change. There had been a couple of variance requests before the ZBA for this, and if the setback was changed to match the states', there would be no confusion and eliminate the necessity for a variance hearing..

State statute requires the setbacks to be 50' from poorly drained soils and 75' from very poorly drained soils. Article VII - General Provisions in the Zoning Code, paragraph 6. states the setback shall be 100' from surface water which is a higher standard than the state requires. It is also listed in Article IX - Lot Area and Yard Requirements under paragraph H. Dimensional, frontage and area requirements.

Ms. LaBranche noted the difference between wetlands and surface water was that wetlands have more capacity to absorb nutrients than surface water; hydrologically they function differently. Ms. LaBranche suggested perhaps justification as to why the setback was more stringent would be helpful.

Mr. Morales recommended there could be a page with all the various setbacks listed so there would not be any confusion. The Board agreed that would be helpful.

Ms. LaBranche suggested the Board meet with the Conservation Chair Dennis Quintal to get his thoughts on possibly changing the setbacks; the Board agreed. Ms. LaBranche will contact Mr. Quintal and provide him the Board's questions and ask if he could up with a recommendation on Mr. Daly's request to change the setback. The Board needed to have the information quickly for the November meeting as the time was getting short to submit a warrant article and meet the required timeframes.

#### Growth Management Review

This will be reviewed at the December meeting.

#### Flood Insurance

Mr. Cacciatore noted that FEMA had just instituted a flood zone review for home sellers for insurance purposes which will cost the seller \$700. Ms. LaBranche noted people could go to the FEMA website and print up the official FEMA map. They are also requiring an elevation certificate. Ms. LaBranche stated the GIS is in the process of creating a map with 2' elevation contour mapping intervals as opposed to the present 10' elevation maps. This will make them much more accurate.

#### **ADJOURNMENT**

**MOTION:** Dr. Marston **MOVED** the Planning Board adjourn, Mr. Bath seconded. The motion was unanimous.

The meeting was closed at 8:45 pm. The next Planning Board meeting will be November 21.

Respectfully submitted,

*Barbara White*

Barbara A. White  
Planning Board Secretary

Minutes approved December 19, 2013

Mr. Cacciatore  
Chairman