

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES
October 21, 1999

FILE

AGENDA

7:30 David Rohrdanz – 52 Burnt Swamp Road Home Occupation – Public Hearing
8:00 Kevin Murphy – 201 Haverhill Road Home Occupation – Discussion

Members attending: Richard A. Smith Sr. - Chairman, Edward C. Johnson – Vice Chairman, John L. Fillio – Ex-officio, Dr. Robert Marston and Alternates David G. Morse and Peter A. Riley.

Absent: Beverly A. Fillio and Alternate Robert Nigrello.

Others attending: Glenn P. Clark – Building Inspector, J. Roby Day, David Rohrdanz, Craig Scholpp, Alan Mazur – Fire Chief, and Clint Furnald.

Chairman Smith called to order this October 21, 1999 public planning board meeting at 7:07 PM with the roll call. Noting the absence of member Beverly Fillio, he designated Alternate David Morse to participate in any voting matters before the board.

September 16, 1999 Minutes: The Board reviewed the minutes and noted one typographical error.

MOTION: Mr. Morse motioned to approve the Planning Board's September 16, 1999 minutes as corrected. Dr. Marston seconded. With no further discussion, the motion carried 5-0, (Mr. Fillio abstained.)

Noise Ordinance: At this time the Board took up discussion on drafting a noise ordinance. Members reviewed the performance standards for noise levels and noise exposure maps presented by Mrs. Campbell. She explained that the Board could write more specific definitions to the current references of noise in the Zoning Ordinance. They could include noise regulations for different times of the day as well as different decibel limits for different zoning districts.

She went on to say that in conferring with Glenn Greenwood, Senior RPC Planner, she discovered that not many towns have a noise ordinance. And even though the town of Kingston has one, it has difficulty in enforcing it. When a town is serious about enforcing a specific noise ordinance that provides decibel and frequency restrictions, the town must also consider the cost for either 1) purchasing a sound meter or 2) hiring a qualified sound engineer.

She also stated that the ordinance must be written to provide for loud noises for short periods of time, i.e. chainsaws.

Mr. Fillio stated that noise has a different impact on ears during different times of the day. What may be acceptable during the day may be obtrusive at night.

Mrs. Campbell stated that a noise ordinance could be designed to address only reoccurring type noise problems – it would be a tool to manage and measure noise. She also stated that she would be willing to take this discussion to the next step and draft a preliminary ordinance. She asked if the Board wanted her to include specific times of the day. She recommended setting limits for both daytime and nighttime.

Mr. Johnson stated that the Board needs to consider the cost of the equipment and the personnel to operate it as well as the costs of enforcement. – this will add a whole new level to it.

Mr. Riley stated that there is always a civil avenue to address nuisance issues. It's not always up to the town to deal with it.

MOTION: Dr. Marston motioned to table this issue for now. Mr. Johnson seconded. With no further discussion, the motion carried 4-0 (Mr. Fillio abstained).

David Rohrdanz – 52 Burnt Swamp Road – Public Hearing: Chairman Smith opened the public hearing at 7:30 PM for David Rohrdanz's proposal to operate an automotive & marine upholstery repair business from his home at 52 Burnt Swamp Road. It was noted that Mr. Rohrdanz met with the board for preliminary discussion in August. At that August meeting, the Board recommended he apply for a home occupation permit via a public hearing.

Chairman Smith directed Mr. Rohrdanz to explain the nature of his proposed business. In describing his business and answering inquiries from the Board, Mr. Rohrdanz stated the following:

1. The nature of the business would be to repair (stitch) car, truck, and boat seats and tops.
2. This would be done with a sewing machine.
3. Seats or tops would be disassembled from their cars/boats and be transported to his home in the back of his truck for repair. The actual vehicle or boat would not be brought to his residence.
4. There would be no traffic, no signs, or customers at his residence.
5. Most of his work is solicited at marinas. Measurements are taken there and repairs are done at his home- liability insurance rates were too high for him to consider transporting the boats to his residence.
6. He is the only employee – this is a part-time business secondary to his full time job.
7. All repair work is done inside his garage, which measures 16'x20'- less than 50% of the gross floor space allowed.
8. Materials used are vinyl and acrylic. He would keep these items in stock.

Fire Chief Alan Mazur requested that an annual inspection of the business be conducted – all materials burn differently. Mr. Rohrdanz agreed.

Mr. Morse stated that this is a good idea as it is important for the Fire Department to know what they are up against should they ever be called to the residence.

COMMENTS FROM ABUTTERS

Mr. Craig Scholpp stated that he had no problem with the business as long as Mr. Rohrdanz keeps his yard clean.

At this time several members indicated that they felt the business falls under the invisible clause (Article 10.6). Mr. Rohrdanz stated that he preferred to have the business declared invisible as this was the agreement he has with his landlord.

MOTION: Mr. Morse motioned for the Planning Board to recommend that the Board of Selectmen exempt the applicant from the home occupation permitting procedures. Dr. Marston seconded. With no further discussion, the motion passed 5-0.

Mr. Rohrdanz was then advised to schedule an appointment with the Board of Selectmen who would render their final decision on this matter. Chairman Smith closed this public hearing at 7:42 PM.

Work Session: The Board will hold a work session on Thursday, November 4, 1999 at the Town Offices at 7:00 PM. The agenda will include discussion on proposed zoning amendments, the Future Land Use Chapter, airstrips, temporary manufactured housing, temporary signs, drinking water protection, soils and wetlands data, and the Exeter River Watershed Management Plan.

Zoning Ordinance: Mrs. Campbell stated that she was informed that the Board of Selectmen wanted to change the fees for commercial building permits. She recommended that BOCA be contacted to obtain specific classification breakdowns for its fee schedule. It was noted that the number of occupants in a building may factor into the category breakdown.

Another suggested amendment to the Zoning Ordinance is to Article IV.I – *Members of the Board of Selectmen, Planning Board, Board of Adjustment and Building Inspector shall have the express authority for the applicable Board to review on site the property upon which an owner has requested for a building permit, subdivision, or variance prior to, during and until completion of the change allowed by the building permit, subdivision or variance.*

This should also include the right to access the property for inspection when applying for a home occupation permit and/or when investigating a zoning violation.

Members were asked to review the ordinances for additional amendments for March 2000.

Kevin Murphy – 201 Haverhill Road Home Occupation – Discussion: Chairman Smith opened discussion with Kevin Murphy at 8:00 PM. Mr. Murphy is proposing the expansion of his silk screening business to include truck lettering.

Mr. Murphy stated that when he went to renew his current home occupation permit for his silk screening business, he informed the Board of Selectmen that his business now included truck lettering. He explained to the Selectmen that the truck lettering is done with the same equipment he uses for his silk screening business. The Selectmen directed him to meet with the Planning Board who would determine whether or not the truck lettering constituted a new business. The Planning Board would advise the Selectmen to whether a public hearing should be conducted on this expansion.

He further stated that the Selectmen sent him a letter, which states that as long as all work is done inside the building, then the business is legal – any work done outside the building would be in violation of Article 10.3.1.

He then went on to explain the scope of the truck lettering. He said that since February he has lettered one logging truck, one 6-wheel dump truck, and four pick up trucks. The customers were his regular shirt customers – not new clientele. He stated that he uses no chemicals, just Windex for the wet application. He does the lettering and graphics on his computer. This portion of his business is not his mainstay, the silk screening is. He would be providing an additional service to his current customers.

Mr. Murphy also stated that should he accept to letter a large vehicle that would not fit into his garage he would take the vehicle to a friend's garage in Salem and letter the truck there. Vehicles may be dropped off at his residence no earlier than 7:00 AM and would be gone by 5:00 PM (Monday through Friday); on Saturdays vehicles may be dropped off at 8:00 AM and gone by 2:00 PM. No work on Sundays. He said that the truck lettering business would not emit any noise or smells. Lettering jobs can take from 1 to 3 hours to complete.

Mr. Murphy further stated that he has recently applied for a building permit to add on to his existing garage. He said that regardless of whether he gets approval for the truck lettering business, he would still build it. He needs the room for his silk screening business. The addition would measure 20' x 28' (the existing garage is 30 feet long). The addition is for the better flow of goods for his existing business.

He continued to say that his home measures 1700 square feet; the detached garage (without the addition) measures less than 1000 square feet. Including the addition, the gross floor area used for the business would be less than the 50% gross floor area allowed. The actual floor space used for the silk screening business is a part of the downstairs in the garage. He needs the addition so he can move the silk screening equipment into an open space. The current garage is built with poles that he is constantly maneuvering around. He reiterated that the only change to the business would be to letter a vehicle occasionally.

Mr. Filio stated that this still constitutes a change.

Mr. Murphy replied that he has done magnetic signs for vehicles – the only reason businesses are using vinyl lettering in place of magnetic signs is because in order for the business to write-off the vehicle for the business, it must have "permanent" lettering. This may be a change, but not a great change. All trucks will be lettered off site until the garage is constructed.

Mr. Filio stated that right now Mr. Murphy only letters vehicles occasionally. This has the potential to increase in the future.

Mr. Murphy responded that he already has a permit for the silk screening business, he will continue to use the same equipment. He questioned why he should have to have another public hearing.

Mr. Filio replied that the lettering of T-shirts is different from the lettering of trucks. There could be 50 trucks next year.

Mr. Murphy argued that this was not what was directed by the Selectmen. He then read an excerpt of a letter forwarded to him from the Selectmen which stated that all work must be done inside the building. It does not say he needs to go through the public hearing process.

Mr. Riley stated that he thinks the truck lettering is a valid home occupation, but if the Board wants Mr. Murphy to take specific procedural steps, then he should.

Mr. Morse said that he (Murphy) is just doing what the Selectmen's letter said.

Mr. Murphy reiterated that only pick up size trucks and vans would be lettered at his residence – all vehicles must be able to fit through his 12-foot garage doors. Regardless of the weather, the vehicles must be lettered inside away from dust, wind and dirt.

Fire Chief Alan Mazur requested that a yearly inspection of the building be conducted by the fire department.

Mrs. Campbell stated that she could argue an amendment to the current home occupation permit, however, neighbors should be properly informed of this expansion via public hearing. She said what is most important is that the Planning Board should limit the number of vehicles to be lettered on the site at one time.

Mr. Murphy stated that he would agree to having no more than one vehicle "outside" to be lettered at a time.

Chairman Smith explained that Mr. Murphy would need a new public hearing in order to revamp what he is currently permitted. Although the truck lettering is similar to the silk screening business, it is a different business – he is working with trucks now. He said that unless Mr. Murphy comes back to the Board with a public hearing, the Board cannot approve the expansion. This is non-binding discussion.

Mr. Fillio added that as of July 1999, Mr. Murphy's current silk screening business permit expired. He believes this is a change of business – T-shirt v. trucks.

Mr. Riley then encouraged Mr. Murphy to go through the permit procedure to obtain a valid permit for the expansion.

Mr. Murphy was informed to submit a new home occupation application to the Selectmen's office at least 21 days prior to the next regularly scheduled meeting.

Erickson Mylar: The recording secretary informed the Board that the approved subdivision of 53 Haverhill Road has not yet been recorded. She stated that she is currently waiting for the Building Inspector to verify the bounds.

Building Inspector Glenn Clark stated that he had inspected them but could not find a drill hole bound. He advised Mr. Erickson to install a concrete bound at the drill hole's place. Subsequent to this, Mr. Erickson contacted him to say that he had indeed found the missing drill hole. Mr. Clark anticipates inspecting this bound in the morning.

The Board agreed that the mylar should not be signed until such verification is given.

With no further business before the board,

MOTION: Dr. Marston motioned to adjourn. Mr. Johnson seconded. With no further discussion, the motion carried 5-0 and this October 21, 1999 public planning board meeting ended at 8:43 PM.

Respectfully submitted,

Catherine Belcher,
Secretary

Minutes completed and on file October 24, 1999.

Minutes approved on 11/18/99