



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2010-2011
David F. Sullivan, Chairman
Ron Morales, Vice Chairman

MINUTES
Regular Meeting 21 October 2010
7:02 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval** September 16 minutes
- ◆ **Discussion** with Mark and Carrie Allin regarding purchase of 10 North Road and use as a auto restoration garage and apartment above.
- ◆ **Overview** of the solar panel grant process at the Elementary School.
- ◆ **Discussion** with Scott Depanfilis regarding a possible home occupation as a personal trainer.
- ◆ **Discussion** with Richard Wixon regarding purchase of 14 Powwow River Road and possible uses.
- ◆ **Public Hearing** for the annual review of the Growth Management Ordinance.
- ◆ **Review** of the CIP
- ◆ **Board Business**

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:02 pm.

ROLL CALL: Mrs. White called the roll.

Members: Mr. D Sullivan, Mr. R. Morales, Dr. RA Marston, and Mr. E Warren. Ex-Officio Matt Dworman was in attendance.

Alternates: Mr. P. Gilligan, Mr. J. Cacciatore and Mr. R. Forrest.

Advisors: RPC Planner Ms. Julie LaBranche and Building Inspector Ray Donald

Also in Attendance: Carrie and Mark Allin re: 10 North Road; Scott Depanfilis re: Home Occupation; Richard Wixon re: 14 Powwow River Road; Bob Nigrello - East Kingston Elementary School Board and Clay Mitchell - Revolution Energy re: solar panel project; East Kingston resident Gary Hinz.

Board Business

September 16 Minutes The first item on the agenda was to approve the minutes.

MOTION: Mr. Morales **MOVED** to approve the September 16 minutes as written. Mr. Warren seconded. The motion passed unanimously.

Discussion with Mark and Carrie Allin regarding possible purchase of 10 North Road (MBL 14-03-06) and use for auto restoration business and occupation of the apartment above (7:03 pm).

Mr. and Mrs. Allin explained that they have a Purchase and Sales Agreement with Mr. Sancioff, the present owner of 10 North Road, which is contingent upon the Board's approval for them to operate a high-end auto restoration business with apartment above. They further explained that they would conduct the same business as the present owner with the exception that they do not sell or inspect vehicles, but they would need to install a Colmet spray booth (which does not allow vapors to escape). At their present business in Newburyport (9 years) they paint approximately 3 cars per year. They clarified for the Board that it can take anywhere from 9 months to 2 years to professionally restore a high-end vehicle.

They provided some photos of the type of cars they restore, a brochure which highlighted one of their restored cars, and an auto magazine featuring one of their restorations on the cover. They also provided a picture of the outside of their present business to show that you could not even tell they were there.

It was ascertained that this location is a grandfathered commercial use in a residential area.

They have already walked through the premises with the Building Inspector. Mr. Donald noted that when Mr. Sancioff purchased the property, all the points were touched upon and everything was legalized. In his opinion, there was no problem with what the Allin's wanted to do and it was okay for them to live in the apartment above as it had always been there. He opined that the only decisions for the Board would be to determine if the use was consistent with what it has been and to set hours of operation.

Chief Warren stated that from a Fire Department view, they also had no problems with the proposal. He had spoken to the Fire Department in Newburyport who reported they had never had any problems at the Allin's location. Mr. Sancioff had previously installed a Knox box and outside motion-sensing lights, and all the Fire Department would require is MSDS sheets provided for any chemicals and an annual fire inspection.

Dr. Marston inquired if the Allin's had any children, as one previous owner's children would ride their bicycles on the roof. They were supposed to have installed a fence around the perimeter so the children would not ride off the roof, but it had never been done. The Allin's noted they had no children.

Ms. LaBranche informed the Allin's for their information that since it was a grandfathered use, if such use were to be abandoned for a period of one year or more, that grandfathered use would expire and the property would revert to a residential use only.

The Allin's provided a copy of the purchase and sales agreement for the file and since they have already paid their application fee, they will be placed on the November Agenda for public hearing on November 18th.

The Allin's thanked the Board for their time.

Mr. Sullivan closed this discussion.

Review of the Solar Array Project being installed at the East Kingston Elementary School through a grant. Present were Bob Nigrello, East Kingston School Board, and Clay Mitchell from Revolution Energy, the company installing the panels (7:15 pm)

The Town of East Kingston and East Kingston School Board is constructing a 60kw solar photovoltaic array consisting of 280 solar panels on the Elementary School property at 5 Andrews Way. The array will consist of 2 rows of panels mounted on the ground, immediately north of the soccer field. The array generates no noise or emissions of any kind.

To Mr. Gilligan's question of what percentage the grant cost was to the school, Mr. Mitchell explained that from a grant perspective, it was a 30/70 percentage; but with Revolution Energy's creative financing and tax rebates, over the period of 7 years it would equal being 100% funded. To take advantage of the rebates, the project would need to be started before the end of the year, but they hope to start before the end of November. If they started then, the project would be completed by the end of the year.

Mr. Mitchell explained that the most efficient location for the panels had been determined via a solar access and shade report and that minimal trees would need to be eliminated to allow the panels to work at peak efficiency. He explained how the system would work and that any energy over and above the needs of the school would be sold back to the grid and "banked" for future use by the school.

From a safety standpoint, there were 8-10 disconnect switches and lightening arrestors located along the arrays.

Mr. Mitchell stated they purchase all their materials from American companies and provided photos of a similar project in various stages of installation. The 60-panel system will be raised 1-2 feet above the ground to allow for snow accumulation and if the snow build-up gets too high, they will remove it. They will clean the panels twice a year, and the inverter will be checked one a year. There will be a 6' fence around it to discourage tampering with the system. The system generates 60 kw and has a guaranteed output of 85% at the end of 25 years.

Mr. Nigrello noted the school would have a couple of informative sessions, perhaps held at the library, to explain what the process is to the residents. The residents will also have an opportunity to tour the grounds as the installation progresses. Revolution Energy will also be conducting a series of educational components to the residents and the school to educate them on how the system will work.

Mr. Donald noted he saw no problems with their plans for installation, and there would be no fee for the building permit as it was Town property.

Mr. Nigrello explained that four years ago the school had taken measures to decrease their energy costs and had lowered usage by 25%. This would be an extension of those efforts to reduce costs.

Mr. Morales asked if there are any other cost-saving measures the school is anticipating. Mr. Nigrello noted that at some point in the future, they would need to replace the boiler (which may be a capitol improvement item), the lighting system, and the windows.

Mr. Dworman noted that in the future, the school would need to contemplate a CIP item for replacement of the system in 25 years. He expects by the time the system needs to be replaced, they will be less expensive and more productive.

The Board thanked Mr. Nigrello and Mr. Mitchell for the presentation.

Mr. Sullivan closed this discussion.

Energy Technical Assistance Program

In light of the wonderful presentation the Board had just seen, Ms. LaBranche thought it might not be a bad time for the Selectmen to reconsider participating in the Energy Technical Assistance Program. Previously, the Board had opined that participating in the energy inventory process would be labor-intensive for staff and elected not to participate.

She would like to send a letter to the Selectmen asking them to reconsider. There is no requirement to complete the energy inventory, but the RPC does provide technical assistance such as auditing town buildings to find projects which could improve the energy efficiency of the buildings and locate matching funds to complete those projects. A minor inventory, conducted by the RPC, would be part of the audit process. They would provided recommendations, but there is no obligation to do anything.

Ms. LaBranche indicated she would like to be placed on the agenda to present this proposal to the Selectmen. Mr. Dworman agreed that would be a good idea.

Discussion with Scott Depanfilis, 7 Clark Road (MBL 10-04-08-07) regarding a possible home occupation of a personal trainer (7:46 pm).

Mr. Depanfilis explained that he had worked at a gym, but when that company dissolved he entertained the thought of offering personal training in his home. He wanted to concentrate on fitness training and also had a swim spa. He would have 1:1 training with one person at a time and he has part of his garage set up already.

His goal is to be able to offer his services to Fire Department personnel and the local law enforcement community so they would not need to travel so far to utilize a gym for their fitness training.

There was Board discussion on whether or not what Mr. Depanfilis was proposing as a home occupation fits under the current home occupation ordinance. Mr. Morales did not believe it did; Mr. Dworman noted that when the ordinance was written, it would have been impossible to include everything, but did agree the ordinance should be updated. He thought it could fit under section E.11 of the ordinance which states "***Occupations not listed above that are of a similar nature and only if the Board of Selectmen finds that the occupation meets the provisions of this section.***" Mr. Warren opined that Mr. Depanfilis's proposal for home occupation did not, in his opinion, violate the theme of the ordinance, but he also agreed that the ordinance needed to be updated.

Ms. LaBranche noted that there were two possible issues with the swim spa, one being that the home occupation ordinance C.1. stated that "***the home occupation must be located within a dwelling unit or in a building or other structure accessory to the dwelling unit.***" At the present time, the swim spa was at the rear of the house and not contained by any structure. Also there might be health issues and inspections by the health department necessary if multiple persons would be using the spa. Mr. Depanfilis stated if the spa was an issue, he would not use it in his offered physical fitness training.

Mr. Donald noted that the present owner of the development was in the process of selling his property, and suggested postponing any public hearing on this home occupation until that sale was final and the new owner established. Mr. Warren did not think it was feasible for the applicant to need to wait until all the lots were sold for the Board to consider this home occupation.

After lengthy Board discussion, it was determined that the first thing Mr. Depanfilis needed to do was to review the covenants to ascertain if a home occupation was even allowed. He will review the covenants and get back with the Board.

Mr. Depanfilis thanked the Board for their time.

Mr. Sullivan closed this discussion

Update of Home Occupation Ordinance

The Board determined that the Home Occupation ordinance needed to be updated. Board members will review the ordinance and offer their findings to the Board at the November meeting.

Cell Tower Ordinance

Mr. Morales noted that in light of new laws regarding cell towers, there were now timelines that needed to be used and suggested updating the cell tower ordinance to include them. It was also suggested that a separate application and checklist be implemented, but that did not need to be done right away. Ms. LaBranche and Mr. Morales will work on updating the ordinance and offer their findings to the Board at the November meeting.

Mrs. White reminded that Board that any warrant articles would need to be ready for public hearings by the deadlines noted in the Official Schedule, the last day to post for the first public hearing date would need be by December 24th.

Mr. Cacciatore suggested that they just go by the what the State says since the State could override the Town anyway? Ms. LaBranche noted that that was not necessarily so; the Town could be more stringent than the state statutes, but not less stringent. Also, in the issue of cell towers there was a new law stating that towns could not be "*unnecessarily restrictive*" so as to not allow towers anywhere.

Discussion with Richard Wixon regarding the purchase of 14 Powwow River Road (MBL 10-03-09) and possible uses (8:15pm).

Mr. Wixon was purchasing this property and wanted to discuss possible used for the chicken coop. In addition to the chicken coop, there is a shop which he intends on using for storage for his equipment, as he owns an excavation company. This property is in a commercial zone. He would need to come before the Board for a site plan review when he completed his purchase.

Mr. Wixon knew the chicken coop had been previously used for a woodworking shop. He wanted to know if he could rent out the chicken coop for storage. The Board noted that there was already one storage business in Town which was not doing too well in the economy, but that would be a viable option for him.

Mr. Warren noted Mr. Wixon was in the business district and could do most anything that was included in the ordinances, but would need to submit a site plan review for any proposed action.

Mr. Donald opined the Board's only major concern would be outside storage of equipment and operating hours.

Mrs. White explained that Mr. Wixon would need to obtain a site plan review application from the office and someone would be there to help him fill out the application. Mr. Wixon will be back to the Board in a month or two when the sale was complete. He thanked the Board for their time.

Public Hearing for the annual review of the Growth Management Ordinance.

Mr. White noted she had not yet obtained the majority of the figures necessary to complete the updates, and suggested the public hearing be continued to next month. Ms. LaBranche indicated she would help Mrs. White and directed her where to find the other information necessary.

MOTION: Mr. Morales **MOVED** to continue this hearing to next month. Mr. Warren seconded. The motion passed unanimously.

CIP - Mrs. White submitted the completed CIP to the Board for review. Mr. Morales noted that the CIP should be the "roadmap" for the Town and it can lose credibility if items stay on for years with no change in status.

There was a question as to why the item "town record preservations" has been carried on the report with no change in the status for many years. It was also noted that the process indicated, microfilming the records, was not a current process widely used today as most documents were scanned. It was also questioned as to what type of records there were and how much volume were they speaking about; no one was exactly sure. Possible alternatives to the \$150,000 output was to purchase a scanner, of which there were several types and prices available including ones that were sheet feeders, and/or renting out storage in a climate-controlled space. The Board indicated the Town Clerk should be approached with their concerns and alternative suggestions and get her feedback.

The Board had no other questions on the submitted CIP.

MOTION: Mr. Warren **MOVED** Mr. Donald speak to the Town Clerk regarding what records are worth saving and the alternatives for archiving. Mr. Dworman seconded. The motion passed unanimously.

Rules of Procedure Update - Mrs. White noted that in the Chapter Law Summary she had distributed, there was a paragraph regarding alternates participating as non-voting members and a new law that requires Board's Rule of Procedures to *"include when and how an alternate may participate in meetings of the Board."* Mrs. White had crafted a section **3.0 Voting for the Procedures** and had distributed to the Board for review. If they approved of what she drafted, she would insert in the Procedures and renumber all paragraphs following.

3.0 Voting

Regular Members

All regular Planning Board members are entitled a deciding vote for meetings and public hearings, unless they have recused themselves as an abutter to the public hearing or for conflict of interest.

Alternate Members

Alternate members may participate in meeting discussions and public hearings, but are not entitled to a deciding vote unless they have been appointed as a voting member by the Chairman in the event of absence or recusal of a regular member.

The Board did agree with the section as submitted.

MOTION: Mr. Warren **MOVED** to approve the submitted section as written and renumber the balance of the Rules and Procedures. Mr. Morales seconded. The motion passed unanimously.

Mrs. White will reprint the updated Rules and Procedures and distribute to the members at the next meeting.

November Meeting

- The Allin's will be coming before the Board for their Public Hearing on 10 North Road.
- Depending on what he finds out in the covenants, Mr. Depanfilis may or may not be before the Board for a Public Hearing.
- The Growth Management Ordinance is continued to this meeting.
- The Annual Review of the Elderly Housing Ordinance will take place.

ADJOURNMENT

MOTION: Dr. Marston **MOVED** the Planning Board adjourn. Mr. Warren seconded. The motion passed unanimously.

Mr. Sullivan closed the meeting at 8:50 pm.

Respectfully submitted,

Barbara White

Barbara A. White
Recording Secretary

David F. Sullivan
Chairman

Minutes approved November 18, 2010