



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2018-2019
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting October 18, 2018
7:00 pm

AGENDA:

- ◆ Call to Order

Board Business.

- **Discussion** re: landscaping and signs at Jalisco
- **Discussion** re: 213 Haverhill Road
- **Discussion** on revising occupation application questions

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

Members Present: Chairman Joe Cacciatore, Josh Bath, Bill Caswell, Tim Allen, Ron Morales and Ex-Officio Dick Poeleart.

Advisors Present: RPC Senior Planner Julie LaBranche, East Kingston Assistant Building Inspector Tom Welch, and Mr. Dennis Quintal PE.

Also present: Mr. Julian Dunlop, owner of 89 Main Street, Jalisco Restaurant.

Minutes: Mr. Cacciatore asked for a **MOTION** to approve the September Minutes.

Mr. Bath **MOVED** to approve the September Minutes as presented; second by Mr. Allen with a unanimous vote.

Board Business

Discussion re: landscaping and signs at Jalisco

Ms. LaBranche informed the board she had met with Mr. Lopez, the Restaurant Manager, at the restaurant and reviewed the approved landscape plan with him. She pointed out where plantings had been removed and indicated that since the landscaping was a condition of the original approval for the restaurant, that they would need to be replaced.

She explained what types of trees/shrubs would need to be planted to meet the plan requirements and indicated that since the bulb vegetation had only been cut down and not removed, they would grow back in the spring. She communicated to Mr. Lopez that those plantings should be left alone and allowed to grow back on their own.

Ms. LaBranche recommended to Mr. Lopez he consult a professional landscaper for direction on how to maintain the landscaping.

Ms. LaBranche advised Mr. Lopez that he needed a revised planting plan that would need to be approved by the board before he started to replace the plantings. Ms. White noted she had driven past the restaurant and shrubs and some small conical trees had already been planted; Mr. Lopez has already started to replant.

Mr. Dunlop explained that the landscaping was removed without his knowledge. He noted he knew it was one of the conditions of approval, and has communicated to Mr. Lopez that he would need to replace them at his own expense.

Mr. Allen asked about the signage. Ms. LaBranche noted that they had taken down almost all of the extra signs, but that one more would still need to come down as the restaurant was only approved for 2 signs.

Ms. LaBranche and Mr. Cacciatore will do a site walk on Friday and report back her findings back to the board and Mr. Dunlop.

Mr. Dunlop will send Mr. Lopez a letter (with a copy to the planning board) regarding the removal of the landscaping and explain that if he does not comply he would be in violation of the original approval and could be fined \$100 per day per violation for non-compliance.

Discussion re: 213 Haverhill Road

The board has received an answer from Mr. Masone regarding the September 24 letter they sent about the condition of the property. He indicated he has hired a person to supervise the cleanup of the wetlands. Ms. LaBranche asked Mr. Quintal if he knew how that was; he answered Mr. Masone had not communicated to him who he had hired. Mrs. White will email Mr. Masone and ask him to provide the name and phone number of the person.

Mr. Poeleart had driven through the park and did not see much difference other than the sailboat had been removed. There were still very many unregistered cars on the property.

There was concern about possible excavating in and around the wetlands and if he had received the required permits from the state. Mr. Quintal again explained that it was possible to restore wetlands in a different location than where the original disturbance is to comply.

The board discussed sending a copy of the site walk report, the photos, the existing conditions plan and the September 24 letter to the DES so they could enforce for the wetlands issues and have Mr. Masone file a restoration plan. The board agreed they should send that information to the DES.

Mr. Morales noted the board needed a specific list of what items Mr. Masone was going to accomplish with a target date for each item, not just a blanket acknowledgement that he was working on the issues. There was also a question regarding the permits for the underground tanks, which the board has yet to see.

Ms. LaBranche will draft a letter asking Mr. Masone if he is deviating from the deadlines that were stated in the September 24 Planning Board letter, and asking him to provide the board a punch list of actions and dates when the items will be completed. The letter will also request the permits for the underground tanks.

Mr. Quintal reported that the catch basin for ACV Enviro project might not happen until next spring.

Discussion on revising home occupation application questions

Mr. Cacciatore thanked Mr. Caswell for his suggestions of additional questions to add to the Home Occupation application. These questions will better clarify what the intent / impact of the occupation would be.

As the discussion went on, it was clear where they needed clarification was for the grandfathered home occupations and not the ordinary home occupations. Ms. LaBranche suggested they might want to add a definition for home-based business to differentiate it from the other home occupations.

Ms. LaBranche and Mrs. White will work on updating the home occupation checklist part of the application incorporating the additional questions.

The board discussed sending out a detailed inventory list to those grandfathered home occupations to help in establishing the baseline for the level of activity going forward.

Mr. Allen will create a template for an inventory update request for the board to review at the November meeting, to be sent to those grandfathered home occupations on the master list.

Handouts

- Municipal Law Lecture Handout re: Grandfathered / Non-Conforming Uses and Vested Rights

Adjournment

Mr. Bath made a **MOTION** to adjourn. Mr. Caswell seconded, with a unanimous vote.

Mr. Cacciatore closed the meeting at 8:20 pm.

The next Planning Board meeting will be on November 15th.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved November 15, 2018