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**PLANNING BOARD**  
TOWN OF EAST KINGSTON  
NEW HAMPSHIRE

2007-2008  
James Roby Day, Jr., Chairman  
Catherine Ellen Belcher, Vice Chairman

**MINUTES**  
(Regular Meeting of 15 November 2007)

**AGENDA:**

- 7:00PM - **Board Business**
- 7:05PM - **Public Hearing for proposed Agriculture Chapter to the Master Plan.**
- 7:15PM - **Continued Public Hearing for Design Review with Julie Turner**
- 7:50 PM - **Public Hearing for proposed Home Occupation for Eric Varney.**
- 8:00PM - Continued Board Business
- 8:15PM - **Adjournment**

**CALL TO ORDER:** Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

**ROLL CALL:** Mrs. White called the roll.

**Members present-** Mrs. CE Belcher, Vice-Chairman; Mr. JR Day, Chairman; Dr. RA Marston; and Mr. RA Smith.  
Mr. R Caron, ex-officio, was not able to attend as he was out of town; Mr. Dick Poelaert attended in his stead.

**Alternate members present** -Mr. EA Lloyd and Mr. Sullivan. Mr. RF Morales had a meeting conflict.

**Advisors present** -Mr. RR Donald, Building Inspector

Mr. Eric S. Steltzer, Planner, Rockingham Planning Commission (RPC)

Mr. LK Smith, Conservation Commission Chairman

It was noted that Ms. Julie Urwick, Fire Department EMS Lieutenant, was not in attendance.

**Voting members** -Chairman Day noted there was a full voting Board present; and appointed Mr. Lloyd as a voting member for this meeting should the need arise.

**BOARD BUSINESS**

**Minutes.** Mr. Day asked if all Board members had read the 18 October minutes, and if there were any changes noted. Mr. Lloyd pointed out a small correction on page 2. There were no other changes or additions. Mr. Day entertained a motion for approval of the minutes.

**MOTION:** Mrs. Belcher **MOVED** the Planning Board approve the 18 October 2007 minutes with the correction offered. Dr. Marston seconded, and the motion passed unanimously.

Mr. Day reviewed the handouts with the Board.

**Calendar.** Mr. Day had put together a yearly Planning Board calendar for the Board's reference, and noted that the elderly housing annual review was due to be conducted in December. Mr. Day also suggested for the year 2008, the Board might want to consider starting the CIP review much earlier in the year than they had for 2007. Mr. Day suggested starting in May or June in order to allow adequate time for review and any updates that might be necessary.

**ZBA Meeting.** Mr. Day noted that the Zoning Board had met on Tuesday, November 14<sup>th</sup> to make a decision as to whether or not to grant a rehearing to Industrial Tower. He asked Mrs. Belcher to report on that meeting.

Mrs. Belcher stated that the Zoning Board met in answer to a request for rehearing by Industrial Tower and Wireless, LLC, to determine whether the Zoning Board had made any error in their decision to deny the variance for the cell tower. Criteria 3a and 5 had not been satisfied, and therefore the variance was denied. Stemming from discussion with Counsel after the hearing, Mrs. Belcher ascertained that the basis for her decision had been flawed for Criteria 5, and if asked in court would not be able to defend her original decision. She then changed her vote on Criteria 5, which made the vote 3-2 that Criteria 5 was satisfied. Since Criteria 3a had not been satisfied and all the criteria had to be satisfied for the variance to be granted, the decision to deny the variance still stood firm. The request by Industrial Tower for rehearing was denied.

**Cell Tower Ordinance.** Mr. Steltzer had reviewed the Telecommunications Ordinance for East Kingston and had distributed a memo stating his findings and opinion to the Board members. It will be discussed at a later meeting whether or not the ordinance needed to be addressed.

**Fees and Zoning Ordinances.** Mr. Day had looked through the ordinances and had ascertained there were several places referring to fees. The intent is to remove all money references from the regulations and ordinances and have them listed separately on the Selectmen's fee list. The ordinances including money figures would need to go to Town Meeting for the removal of any reference to money.

**Septic Design Question.** Mr. Day has found 2-3 places in the ordinances referring to septic setbacks. The Board had been discussing coming up with some sort of clarification language for the ZBA. Mr. Donald opined that identifying the point where the dimensions were being taken from in order to determine the boundaries would solve the problem.

The following language was offered to the Board.

Determination of distance will be: 1) If the leach field is on level ground, the measurement is determined by measuring from the farthest point of any part of the component. 2) For systems that require a build-up, the measurement is taken 6" from the farthest part of the component.

Mr. Donald stated this was consistent with the state inspection requirements. Mr. Day clarified that they were not actually speaking to setbacks, but where the measurement was to be taken from. Mr. Donald agreed what they were really trying to clarify was how to determine the measurement. He thought it was more a training and enforcement question rather than needing to change the ordinance. Mr. Day thanked Mr. Donald for the information.

**Zoning Ordinance Hearings and Deadlines.** Mr. Day was not concerned about deadlines for Zoning Ordinances this year, although there is still a window for citizen's petitions regarding zoning ordinance proposals that runs from November 12 to December 12.

**Affordable Housing, Workforce Housing, Wind Power and Command Economies.** Mr. Day offered an article from the *Union Leader* as a handout which mirrored discussion at a RPC meeting he had attended the night before. Mr. Day concluded that the most plentiful source of untapped power was the hot air coming from Concord. He reviewed that East Kingston first had zoning in 1952. Mr. Day suggested that towns create problems by use of zoning, then have to and hire someone to solve those problems, or try to solve them themselves. Workforce housing is such a one. No one in East Kingston appears to have known what the term meant before 1952.

**Cove Road Question.** Mrs. White had supplied some information to the Board, and Mr. Day had included a picture of the garage in question. A gentlemen wanted to purchase a garage on Cove Road and use it to store the equipment for his small excavation company.

Mr. Donald noted that if there was no home located on the property and there was storage of construction equipment on the premises, it could not be considered a home occupation. It was a residential zone, and if the person were not living on the premises, excavation equipment stored there would represent a commercial activity taking place in a residential zone, which was not allowed.

Mrs. Belcher noted in addition to the facts Mr. Donald brought up, Cove Road was a small road, not up to the standards for being considered a town road, and the condition of the road would not stand excavation equipment and heavy trucks traveling over it on a regular basis. After Board discussion, it was determined that storing construction equipment on the premises would not be allowed. Mrs. White will call Mr. Anjoorian on Friday and inform him of the Board's decision.

#### PUBLIC HEARING FOR PROPOSED AGRICULTURE CHAPTER TO THE MASTER PLAN.

Mr. Day opened the public hearing for the Master Plan Agriculture Chapter.

Mr. Day explained for the public attending that they were discussing the Master Plan for the Town. It was first prepared in 1982, with major overhauls in 1988 and 1995. The Board has taken a different approach for updating and adding to the Master Plan beginning in 1995, addressing it a chapter at a time as the need arose. The present proposal is a new chapter on agriculture. According to the Rockingham Planning Commission, East Kingston is the first Town in the State to do this, so others are watching to see if they can benefit by and use what we implement.

From the very beginning, East Kingstonians have expressed their desire that we maintain or try to preserve an agricultural, rural environment, and do whatever is necessary to do that within the limitations of the law. The new chapter goes into great detail describing the present agricultural environment locally, as well as statewide. It highlights some of the

characters who live in Town, and explains why the Board proposed the chapter – Town residents have repeatedly asked for such action. Then it wraps up with recommended actions that vary in degree and detail. The action people are numerous, including the Planning Board, the Board of Selectmen, the Conservation Commission, and anyone else who wants to be a part of preserving our agricultural, rural environment, as well as conservation measures we can take. In light of the amount of attention we pay to conservation, Mr. Day had thought it appropriate to change the name of the chapter from Agricultural Chapter to Agriculture and Conservation Chapter. The Board agreed.

Some of the ways proposed to support conservation measures to preserve environments which can promote agriculture activity include: a) proposed further funding of the purchase of development rights for conservation; b) propose ordinance and regulation changes which are designed to protect the East Kingston aquifer, watershed, and the water quality; and c) propose/revise ordinances and regulation provisions to include buffers along water courses.

Mr. Day asked if any Board memb3rs had any further comments or observations.

Mr. Lloyd noted that one of the proposals for the new chapter was the creation of a Farming Committee. He suggested that this be offered at a public hearing and also suggested the committee should be comprised of marketers, publicists, and others to represent the farming community. Mr. Day stated he had heard some talk of going to Town Meeting with the proposal in a Citizen's Petition.

Mr. Day asked Dr. Marston if, as a farmer himself, he thought the farming committee would be beneficial. Dr. Marston doubted it could help the farmers financially with respect to their taxes, and that is where they need the help the most. Mr. Day stated that one of the recommended actions was some sort of measure to address the question of taxation on agricultural activity. Although changing the taxes is out of the Planning Board's hands at the local level, some effort should be raised to address the question to the legislature.

Mr. Day opened the floor to public comment. There being none, he closed the floor.

Mr. Day closed with a review of the goals of the Agriculture and Conservation chapter. These goals reflect what the townspeople have been telling the Planning Board since 1982.

1. Keep farmers in active farming.
2. Encourage all forms of agriculture operating in a competitive, free-market environment.
3. Encourage niche market agriculture.
4. Develop a method by which all agricultural activities in Town are identified, encouraged and locally advertised.
5. Find ways to rationalize property taxation so as to encourage agriculture.
6. Support conservation measures to preserve environments which can promote agriculture activity.

Mr. Day entertained a motion to adopt this chapter for incorporation into the Master Plan.

**MOTION:** Dr. Marston **MOVED** the Planning Board adopt the Agriculture and Conservation chapter into the Master Plan. Mr. Poelaert seconded, and the motion passed unanimously.

Mr. Day closed the public hearing.

### **CONTINUED BOARD BUSINESS**

***New Tax Rate.*** The new tax rate, which came out today, was distributed and the bills are due on the 20<sup>th</sup> of December. The rate is up \$2 from last year; some of the increase is attributed to new construction and some to inflation. Mr. Poelaert reported that the municipal part of the tax rate rose the most. He attributed the largest rise, in great part, to the approved warrant and bond articles.

Mrs. Belcher enquired why the tax bill goes up with new construction. Mr. Day explained that there are then increased municipal services required; raw land takes less in dollars to support in municipal services than developed land. Mr. Lloyd offered that there is an increase in income with new construction; Mr. Day countered that the increase in income does not keep up with the increased demand for municipal services. Mr. LK Smith offered that for each dollar received on residential housing, towns, on average, spend \$1.11 to \$1.23; the expenditure for open space is \$.17-.74.

***Address Confusion.*** Mr. Donald offered an explanation of why a member of the Fire Department had visited him earlier in the meeting. A call had come in to the Fire Department for #2 Winslow Woods Drive. Evidently Rockingham Dispatch does not know that there is a street by that name in East Kingston. In actuality the street name is Winslow Drive and not Winslow Woods Drive; the development is Winslow Woods. More confusing is the fact that the street name for

Winslow Woods is Squire Way, and Winslow Drive is at the end of Rowell Road. Also, the two roads do not connect. As a result, the Police went to the wrong address. The Fire Department is looking at a way to clarify the situation so confusion does not continue to occur.

Mr. Day referred to a past meeting in which the Planning Board had discussed a letter from the Police Department and Fire Department addressing just such a situation. He remains mystified why the county cares what the names of the developments in East Kingston are; they should only be concerned with the street names.

Mr. Poelaert explained that in an emergency situation, it seems the callers are identifying the address needing assistance by the development name and not the actual street name. The Fire and Police Departments are of the opinion that if there were no development names and street names the same or similar, it would eliminate the confusion.

Mr. Lloyd reiterated that the end result of the Board's previous discussion on this matter was that changing the road names would not eliminate the problem as long as people were making the mistake of asking for aid to the development name and not to the actual address.

Mrs. Belcher suggested that a notice from the Selectmen be included in the Annual Report, which is distributed to each address in East Kingston, asking them to use the street name and not the development name when making calls to the Police or Fire Departments in order to avoid confusion and/or delay. Mr. Poelaert agreed that was a good idea and will brooch the subject to the Selectmen.

#### CONTINUED PUBLIC HEARING FOR DESIGN REVIEW FOR JULIE TURNER

Mr. Day opened the continued public hearing for the Design Review with Julie Turner, 87Haverhill Road, East Kingston.

**Mr. Dennis Quintal, Civil Consultants**, representing Ms. Julie Turner. Mr. Quintal reviewed that this proposal for the subdivision of Ms. Turner's land had been before the Board a couple of years ago. The Board had had concerns about how the second lot would be created from the existing parcel and the steep slope, and had requested more detail on how the lot was to be developed. When that request was not met, the proposal was denied.

Mr. Quintal explained that a continuance of the Design Review had been requested last month as they had just received the comments from the Town Engineer the day of the scheduled hearing, and did not have time to prepare an answer to his questions and concerns before the meeting took place.

Mr. Quintal pointed out the proposed division of the lot on the plan, and how the development could take place. The proposed division would create a 2.14-acre lot, with only 31,000 feet being disturbed; the Town requires  $\frac{3}{4}$  of an acre of upland. From the proposed location of the house, the driveway had been designed traverse the slope, resulting in a 10% slope. At the last meeting, they had presented a drainage analysis and test pits results. The applicant was hoping the Board would consider the waiver request favorably as it relates to the steep slope concern.

The Town Engineer's report states "*We have reviewed the waiver requires letter and take no exception to the applicant's position that with proper evaluation, design and construction techniques that a dwelling could be adequately constructed on the slopes in question*". The letter goes on to state that he would require more information, including having a Geo-Technical Engineer to look at the soils in the area, and test pits of the cut for the possibility of a hidden ledge. Mr. Quintal does not believe there is a hidden ledge since one did not show up during the excavation for Ms. Turner's house. Mr. Stephens also recommended modification to the slope in question due to the maintenance factor of the slope. Mr. Quintal was proposing the use of North American green fabric, stapled to the ground for stabilization; grass grows through it and it stays there forever.

Mr. Quintal enquired if the Board would even be open to considering the waiver to the slope requirement before the Turner's put any more money into the effort.

Mr. Day polled the Board for their opinion. Dr. Marston was not sure if they wanted to consider the waiver in light of the steep slope concern. Mr. Poelaert opined that if the Board were not going to consider the waiver, then the Turner's should not waste their money. Mr. Smith was against approving the construction due to the steep slope. Mrs. Belcher stated she might consider a waiver, but would rely on the Town Engineer's opinion. If after the additional information was supplied and the Town Engineer agreed the property could take the cut, then she would consider granting the waiver. Mr. Sullivan and Mr. Lloyd both agreed with Mrs. Belcher.

Mr. Day reviewed that the Board's comments at this Design Review were not binding on the applicant, and that their comments were not binding on the Planning Board. Mr. Lloyd stated for clarification that although the Board would

perhaps consider the waiver with the additional information provided and the Town Engineer's recommendation, it was not a guarantee that the waiver would be granted.

Mr. Lloyd wanted to hear Mr. Quintal's comments in regard to the engineering report. Mr. Quintal addressed the points in that report

- Mr. Stephens' report states that *"the soil information provided is valid only to a depth of 5', and that the hillside was being cut as much as 13' in places."* They would dig test pits to a depth of 13'. The soil is a till type soil and not an aquifer.
- Mr. Stephens' report also suggests that *"a Geo-Technical Engineer should review the site and present a report regarding the best way to drain ground water and stabilize the slopes."* The beginning of the report also states that with proper design techniques, a dwelling could be constructed on the slopes in question.
- *In reference to the storm water review, there was a comment on the length of time of concentration.* On a steep slope, the time frame of the path of the water really does not make a significant difference. It would only make a difference on flat ground, so this was not addressed.
- *All grass cover in the pre-development model was listed as "poor". In the post-development model, the grass cover in the undisturbed area is not modeled as good.* Landscaping and vegetation is proposed, and disturbed areas will be re-landscaped.
- *There is reference to the sizes of the materials and pipe to be used, and that some of the locations of the riprap need to be more clarified. Also the swale along the uphill side of the drive may need to be stone lined due to the drive grade.* Mr. Quintal has shown the stone lining on the other side of the driveway to pick up the water and subsurface drain, and a culvert underneath the driveway; there will not be a tremendous amount of water coming down the side of the driveway. The intention is to pick up the water and direct it to the more level areas so the flow would fan out and drain into the swale. There are no plans to disturb the front area of the property; it will be left natural.
- *Plan Review #5 states that the driveway should be a negative slope away from the road.* Although the detail is not shown on the plan, it is required for the state permit. This detail will be added to the plan.
- Mr. Stephens is concerned about the 2:1 slopes and maintenance of a lawn, even though they have shown the proposed use of North American green cloth. Mr. Quintal is not sure if the slope would be a lawn. It might be planted with clover or other such vegetation as along highways for ease of maintenance, or left in the natural state. Perhaps even terracing in certain areas could be considered.
- *One of Mr. Stephens final comments is "It is possible that an engineering solution can be presented that would allow this project to proceed."* This means, in Mr. Stephens' opinion, there is an engineering design that could work on this project.

Mr. Quintal stated that this particular lot is not any more challenging than some others in Town that are also on steep terrain. He would include these in the application to the Board. He reminded the Board although this proposal *was* on a steep slope, it is only one lot as opposed to an entire development, and they would disturb as little as possible for the construction of the house and driveway. They feel the project is harmonious and does not promote any harm to the health, safety or welfare of the community.

Mr. Day thanked Mr. Quintal for his presentation. He stated that the Planning Board was facing a conundrum of a sort in that they realized that engineering could enable building to occur almost anywhere, but on the other hand the Board had worked quite hard to refine the steep slope regulation. Since the 1982 Master Plan was written, the Town has discouraged building on steep slopes. The section the applicant is requesting a variance from is included, in depth, in the subdivision regulations. There has been recent experience with a similar proposal, and the Board stood fast in their decision.

Mr. Day also stated that the applicant in reality should be requesting two variances

1. Relief from Section 3, paragraph C, Purpose and Intent, *"subdivisions development must not be inconsistent with the recommendation of the East Kingston Master Plan"*, and
2. Section VII, General Requirements, paragraph L, *"Steep slopes are described in the East Kingston Master Plan.....all development and its associated infrastructure requirements is prohibited on slopes of 15% or greater. The construction of roadways is prohibited on slopes of 10% or greater."*

Mr. Quintal answered that for the formal application, they have included both of those variances.

Mr. Day stated that the Board conundrum is how to justify treating Ms. Turner any differently than anyone else. Mr. Day stated that for consistency and being able to defend the decision he might make, he himself could not support the waiver. Mr. Day polled the Board so the applicant would have an idea of what the Board's opinion might be. Mr. Lloyd stated that he could consider a waiver based on a lot more information. Mr. Sullivan agreed with Mr. Lloyd. Mrs. Belcher stated that as it is a single house as opposed to an entire development, she could give consideration to the waiver with evidence of clear effort and succession to achieve a minimal impact to the slope. Mrs. Belcher made it clear that even with additional

information, she would not positively grant the waiver, only consider it. Mr. Smith did not think it was a good idea to build on the slope at all. Mr. Poelaert abstained from giving his opinion, as he had not been in attendance during the entire proposal timeframe. Dr. Marston felt he needed to see more information before he could make a decision.

Mr. Day reviewed to the applicant that the Board appeared to think more information would be necessary to consider granting the waiver. Also, Mr. Lloyd wanted to make certain the applicant recognized that the Board was only stating they would consider the waiver with additional information and not reject it out of hand, but was not necessarily ensuring that they would grant the waiver, even with the additional information. Mr. and Ms. Turner replied that they understood that to be the case.

Mr. Day explained that the Town Engineer is an advisor and the Board takes his opinions and position under advisement. There are also other things to consider, and the Board has to look at the entire picture.

Mr. Day closed the public hearing.

### **CONTINUED BOARD BUSINESS**

***Driving Range?*** Mr. Donald noted that he had stopped at a property on South Road where he had observed a person driving golf balls, and asked the man what he was doing. The man stated that it was a driving range; you put \$5 in the can and drive a bucket of balls. Mr. Donald sent a registered letter to the owner of the property informing him that he had installed a driveway without a driveway permit, the property is in current use and is in jeopardy of losing that current use designation, and he was running a business in a residential area. The owner has since placed large stones in the driveway so it cannot be used, and he has turned the issue over to his attorney. He informed Mr. Donald he will be approaching the various boards in Town to get permission for a driving range.

### **PUBLIC HEARING IN REGARD TO A PROPOSED HOME OCCUPATION FOR ERIC VARNEY, 58 NORTH ROAD, EAST KINGSTON INVOLVING THE SALE OF LEATHER GOODS ON THE INTERNET.**

Mr. Day welcomed Mr. Varney, and asked if he had read through the home occupation ordinance. Mr. Varney replied that he had read the ordinance. Mr. Day understood that Mr. Varney wanted to sell leather goods over the Internet, would not have customers coming to his residence, and will have no sign. Mr. Day asked him to explain to the Board just what he is proposing in the way of a home occupation.

Mr. Varney explained that he would like to sell leather goods from his home on the Internet, and he would also be traveling to swap meets in various states to sell his wares. Basically, he wanted to operate an office for the business from his home, but would not actually sell from his residence. Mr. Day asked if Mr. Varney would be manufacturing the wares, and Mr. Varney stated he would not; he would be purchasing the goods from another party for resale.

Mr. Day explained that the Town was residential, with the exception of a few commercial and industrial areas, and businesses are not, as a rule, allowed in residential zones. There are some exceptions, which are addressed under the Home Occupation section. Mr. Day referred to Article XVI Home Occupations, and explained that in order to justify conducting commercial activity in a residential zone, the Town had set some limitations on what was allowed in the residential zone. He reviewed the permitted uses, and it appeared that since Mr. Varney wanted to operate an office for his business in his home, his proposed use could be allowed under the *administrative support for a business or service that was conducted off-site* category.

Mr. Day asked if any Board members had questions for Mr. Varney. Mrs. Belcher had several questions. She inquired where the goods would be shipped from, and Mr. Varney replied from Texas, Idaho and Connecticut. She inquired if Mr. Varney intended to store goods at his home, and he answered that he did. He ascertained that he would use one bay of his garage for storage of stock, which was approximately a 10'x20' area. Mr. Sullivan asked if he had a trailer, and Mr. Varney answered that he has a trailer and a truck.

Mrs. Belcher asked if there were identifying marks on the trailer or truck to ascertain if Mr. Varney would qualify under the invisible type of home occupation. Since his truck did have a logo on it, it was determined that he would not qualify as an invisible home occupation.

Mrs. Belcher asked if Mr. Varney would be selling any products to maintain the leather goods, and he answered that he would not. She asked how many employees Mr. Varney intended on having and he stated it would be himself and his wife.

Mrs. Belcher asked where Mr. Varney intended on having the office; he stated it would be in a bedroom in the house. Since Mr. Varney lived on a state road, he could have up to 50% of the total floor space for his home occupation. His office and storage space would be less than that, so it meets the requirement.

Mr. Day explained to Mr. Varney that it was the Planning Board's responsibility to question possible home occupations and make recommendation to the Board of Selectmen, who issue the annual home occupation permit.

Mr. Varney thought he would have UPS or FedEx deliveries perhaps once a week. He ascertained that since the business behind him had deliveries every day, they would only be making one more stop to deliver to him at the same time.

Mr. Day reviewed the conditions under which Mr. Varney would be recommended to the Board of Selectmen.

- He qualifies as a visible home occupation
- No chemicals would be used or stored on site
- There would be annual fire inspection of the premises.

Mr. Day entertained a motion for approval of Mr. Varney's home occupation and referral to the Board of Selectmen.

**MOTION:** Mrs. Belcher **MOVED** the Planning Board recommend the home occupation of Mr. Varney be approved by the Board of Selectmen based on the three conditions noted. Dr. Marston seconded, and the motion passed unanimously.

Mr. Day suggested to Mr. Varney that they get on the agenda for the Board of Selectmen when his referral went before them in case they had any further questions for him.

Mr. Varney thanked the Board for their time. Mr. Day closed this public hearing.

### **CONTINUED BOARD BUSINESS**

**Rules of Etiquette & Polity.** Mr. Day distributed some rules for Planning Board etiquette. He noted it was to maintain a professional demeanor during public hearings, and to conduct our proceedings in a civil fashion. Mr. Day observed that he has always thought the Board's give-and-take was, for the most part, "creative chaos", acceptable and useful during work sessions, but not appropriate during a public hearing. Mrs. White interjected that side conversations made it hard for her to focus on what she was hearing for the minutes, and also made it difficult for the recorder to pick up what was said.

Mrs. White enquired what was meant by "polity". Mr. Day explained that it was intercourse between people and bodies of people and how they act to accomplish something, i.e. civil order, organized society (check your OED).

**Doggie Day Care Question.** Mrs. White reported that there had been an inquiry about whether a Doggie Day Care and Kennel business would be allowed at 139 Depot Road. Mr. Day observed that it appeared to be a commercial activity and the address was residential. Mrs. Belcher stated she thought it was protected under a farming statute. There was some discussion regarding a similar question that had come up in the past, but a decision had not been required. Mr. Day suggested the question warranted referral to the New Hampshire Municipal Association (NHMA) for clarification.

Mr. Day asked Mrs. White to contact the enquirer to let her know the Board was looking into the matter, and would have an answer for her as soon as they could.

### **ADJOURNMENT:**

**MOTION:** Dr. Marston **MOVED** the Planning Board adjourn. Mrs. Belcher seconded, and the motion carried unanimously at 8:40 pm.

Respectfully submitted,

Barbara A. White  
Recording Secretary

J. Roby Day  
Chairman

Minutes approved December 20, 2007