



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

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

MINUTES
Regular Meeting 18 November 2010
7:07 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval** October 20 minutes
- ◆ **Public Hearing** for Mark and Carrie Allin regarding 10 North Road (MBL 14-03-06) and for use as a auto restoration garage and apartment above (EK PB #06-OB)
- ◆ **Public Hearing** for Scott Depanfilis regarding a possible home occupation as a personal trainer at 5 Clark Road (MBL 10-04-08-07)
- ◆ **Continued Public Hearing** for the annual review of the Growth Management Ordinance
- ◆ **Public Hearing** to review the Elderly Housing ordinance
- ◆ **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.

Alternates: Mr. P. Gilligan. Mr. R Forrest and Mr. J. Cacciatore were not in attendance.

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

Also in Attendance: Carrie and Mark Allin; Scott Depanfilis and co-homeowner Terry Jamro.

Board Business

October 20 Minutes The first item on the agenda was to approve the minutes.

MOTION: Mr. Warren **MOVED** to approve the October 20 minutes as written. Mr. Morales seconded; the motion passed unanimously.

Public Hearing for Mark and Carrie Allin regarding 10 North Road (MBL 14-03-06) and for use as a auto restoration garage and apartment above (EK PB #06-OB) (7:08pm)

Mr. Sullivan open the discussion and invited the applicants to the front.

As ascertained at last month's meeting, that this location is a grandfathered commercial use in a residential area.

To Mr. Sullivan's inquiry if the Board had any questions, the Board noted they had nothing further as the points had all been gone over at the discussion last month. The Fire Chief and the Building Inspector had walked through the premises and found everything to be in order and had no concerns.

Upon discussion with the Allin's, it was ascertained it would be in their best interest to ask for the most number of working hours they might ever need so there would be no need to come back before the Board for a change and they would be covered in case some unusual instance came up and they needed to work late. They could work in between the approved hours as they wished.

Following that line of reasoning, the Allins requested to change their request for hours to be from 7:00am to 9:00pm Monday through Sunday. The Board agreed.

Mr. Sullivan opened the floor to abutters; there being none, he closed the floor.

Conditions of approval will be as follows:

Conduct automotive repair and painting, custom auto design fabrication and build, machine shop fabrication, welding, electrical wiring harness fabrication, automotive cleaning, operation of an office and use of the apartment on the second floor. Hours of operation will be 7:00am to 9:00pm, Monday through Sunday. Periodic Fire Department inspections will be held for fire safety and compliance.

Mr. Sullivan asked for a motion.

MOTION: Mr. Morales **MOVED** that the Planning Board **APPROVE** the site plan review with the changes that had been made to the conditions noted. Mr. Warren seconded; the motion passed unanimously.

Mr. Sullivan closed this public hearing. The Allin's thanked the Board. Mrs. White will send a copy of the decision to the Allin's.

Public Hearing for Scott Depanfilis, 7 Clark Road (MBL 10-04-08-07) regarding a possible home occupation of a personal trainer (7:23pm).

Mr. Sullivan opened this discussion and invited Mr. Depanfilis to the front.

There was significant discussion on whether or not it would be prudent for the Planning Board to approve this Home Occupation as there were many questions regarding both the points in the Covenants and Restrictions, the validity of the document itself at this time, and the fact that the actual Association had not been instituted as of yet.

The Board suggested to the applicant that he go to the two people involved in the Covenants (Mr. Saverese and Mr. Glenn Clark) and bring back to the Board a notarized letter from them that they did not have any concerns with Mr. Depanfilis' Home Occupation request. Then they could entertain the home occupation request.

MOTION: Mr. Warren **MOVED** that the Planning Board **CONTINUE** this public hearing to December 16. Mr. Morales seconded; the motion passed unanimously.

Mrs. White will place Mr. Depanfilis on the December agenda. If he is not ready by the deadline, he will contact her and she will push the public hearing out to the January agenda.

Mr. Sullivan closed this public hearing. Mr. Depanfilis thanked the Board for their time.

As a result of this discussion, Mr. Dworman suggested a motion to consider a warrant article that would add to the Home Occupation ordinance that when someone applies for a home occupation and is under a Homeowner's Association, they would need to bring permission from the Association that the home occupation will be allowed by the Association and attach it to the application. Mr. Morales also suggested that be included on the checklist.

MOTION: Mr. Dworman **MOVED** that the Planning Board **SUBMIT** a warrant article adding that a letter of permission from a Homeowner's Association should be attached to any Home Occupation application for those under such Associations, and that item should be added to the application checklist. Mr. Morales seconded; the motion passed unanimously.

Mrs. White will work on the language and submit it to the Board at December's meeting for review.

Continued Public Hearing for the annual review of the Growth Management Ordinance (7:53 pm)

Mrs. White reviewed the information that had been updated:

Table 1 - 2009 populations and % of Growth; Paragraphs 5 & 6 under Housing Stocks; Table 2 - 2009, numbers and totals; Road Improvement capital expenditure numbers were updated for years 2002 through 2009; and the actual cost of the salt shed was added. Table 5 was updated with 2009 & 2010 Building permit numbers.

All census data will be updated next year when the figures are available.

Ms. La Branche had inquired if the total number of housing units for 2004 in East Kingston on Table XIII-A had actually decreased as stated. Mrs. White noted she was not the person putting together this report at that time, and did not know where the numbers came from. Board discussion ensued and it was determined, based on the number from the year before and the year after, it was most likely supposed to be 771 and was an input error. If in the meantime it was found to be otherwise, it could be changed again as the public hearing was going to be continued to December.

MOTION: Mr. Morales **MOVED** to change the number to 771. Mr. Dworman seconded; the motion passed unanimously.

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

Ms. LaBranche noted that the Taxation History Analysis was very outdated and needed to be updated. There was discussion if this Table actually needed to be included. Ms. LaBranche stated it tied in with Section D. *Findings Analysis, Findings of Fact* Numbers 1 through 6 and it was part of the justification for the Growth Management Ordinance. The Board determined after discussion it needed to be kept in the report.

Mr. Sullivan opened the floor to abutters; there bring none, he closed the floor. Mr. Sullivan closed this public hearing.

Public Hearing for the annual review of the Elderly Housing Ordinance (8:12pm)

The Board reviewed the information and noted there was no change, the percentage was already over the allowable percentage, and they determined the ordinance was still valid.

MOTION: Mr. Morales **MOVED** to approve the Elderly Housing Ordinance valid as written and to be in effect for the next year, with continued annual review of the Board. Mr. Dworman seconded; the motion passed unanimously.

Mr. Sullivan opened the floor to abutters; there bring none, he closed the floor. Mr. Sullivan closed this public hearing.

Agricultural Commission Warrant Article

As the Planning Board is one of the sponsors of this warrant article, the Agricultural Steering Committee noted they should approve it before it went on the ballot. Mr. Dworman asked if at seven, the number of members they included might be too many; Mr. Morales noted the warrant article as presented mirrored what the state ordinance allows; there has to be at least five members. The Committee had five members. Leaving the number at seven allows room for growth. There were no other changes discussed.

MOTION: Mr. Warren **MOVED** to approve the warrant article for the Agricultural Commission as written. Mr. Morales seconded; the motion passed unanimously.

Planning Board Rules and Regulations

Mrs. White noted that under membership in the Rules of Procedure, there was no mention of the alternates. She wondered if they should include them in the membership paragraph, as they had just been required per law change to note how alternates could vote. After Board discussion, it was determined it should read: *The East Kingston Planning Board shall consist of five (5) members and up to four (4) alternate members.*

MOTION: Mr. Warren **MOVED** to amend the sentence as discussed. Mr. Morales seconded; the motion passed unanimously.

Other

Mrs. White noted that Mr. Donald had gone to training and brought back information on the "Right to Know". She had that information, and also some regarding Brownfields from REDC that anyone could borrow to review.

Handouts to the Board

- 2011 Meeting Schedule for PB/ZBA
- Oct 25 and Nov. 8 Selectmen's Meeting Minutes
- Two articles - Farmer's Markets and Solar Power

ADJOURNMENT

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

Mr. Sullivan closed the meeting at 8:40 pm.

Respectfully submitted,

Barbara White

Barbara A. White
Recording Secretary

David F. Sullivan
Chairman

Minutes approved December 16, 2010