



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2014-2015
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 20 November 2014
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Continued Public Hearing** for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.
- ◆ **Discussion** with Chuck Rich re: used car sales at 17 Haverhill Road, East Kingston, NH
- ◆ **Board Business**

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

ROLL CALL:

Members Present: Chairman Mr. J. Cacciatore, Vice Chairman Dr. R. Marston, Mr. J. Bath, Mr. C. Delling, Mr. Bill Caswell, and Ex-Officio Mr. R. Morales.

Advisors present: Rockingham Planning Commission (RPC) Senior Planner Ms. J. LaBranche and John Moreau, East Kingston Building Inspector.

Minutes

Mr. Cacciatore asked for a motion to approve the October minutes.

MOTION: Mr. Morales **MOVED** to approve the October minutes as presented; Mr. Bath seconded. The motion passed unanimously.

Continued Public Hearing for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC.

On October 9, a certified letter was sent requesting the applicant provide in writing at or before the next public hearing, the status of the application and the applicant's intent with respect to the application. The applicant was informed they have the right to request a decision by the Planning Board on the current application, amend the current application, or withdraw the application.

On October 16 the applicant responded, requesting the Board to continue the public hearing until their November 20th meeting date in order to allow the applicant time to amend the proposal for the Board's consideration.

On November 6 a letter was received requesting withdrawal of the application; Mrs. White read that letter aloud..

Mr. Cacciatore asked for a motion.

MOTION: Mr. Morales acknowledged receipt of the letter from SEC & Associates, Inc, dated November 6, 2014, signed by Mr. Charles Zilch, and **MOVED** to accept the request to withdraw the subdivision application for the proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC without prejudice; Mr. Bath seconded. The motion passed unanimously.

Mrs. White will send a letter to both SEC & Associates and Mr. Storey stating that the Board had accepted the withdrawal of the site plan application without prejudice.

Mr. Cacciatore closed the public hearing.

Discussion with Chuck Rich re: used car sales at 17 Haverhill Road, East Kingston, NH

Mr. Cacciatore opened the discussion and invited Mr. Rich to explain his application to the Board. Mr. Rich gave Mrs. White the signed application by the property owner. He also provided the lease and his dealer's license; Mrs. White will make copies and return the originals to him. Mr. Rich explained he is in the process of transferring his dealer's license from Derry to East Kingston.

Mr. Rich explained that he wanted to sell used cars at the 17 Haverhill Road location, as the previous tenant did. The business name would be Chuck Rich Cars.

Mr. Rich noted he would be the only employee, and was not planning any extensive repair work; only oil changes. Mr. Morales asked how he was planning on storing and discarding the used motor oil. Mr. Rich noted he would take the used oil to a friend who had a waste oil furnace. There was discussion on how much oil Mr. Rich should be allowed to store at the location at any one given time. Board consensus was that 10 gallons was a fair amount, but encouraged him to check with the Fire Chief. Mr. Morales made a motion that this be added as step 11. to the list of conditions; Mr. Cacciatore seconded. Approval was unanimous.

Mr. Morales has how many cars Mr. Rich planned to have on the premises at any time; Mr. Rich answered he thought about 10. Mr. Cacciatore asked if there had been a set number for the previous tenant; Mrs. White answered the number was 20. The Board decided to go number for the previous tenant

Mrs. White noted that in conjunction with selling used cars, the state of NH required used car sales locations to also be inspection stations, as the previous tenant was. She asked if the Planning Board would approve her to send a letter to the Selectmen asking them to sign the paperwork approving the inspection station status when received from the state along with any approving motion; the Board agreed.

Mr. Cacciatore encouraged Mr. Rich to ask for the most amount of hours he might need so he would not need to come before the Board for a change, and explained could open anytime in between the approved hours. Mr. Rich asked to change the hours on his application to Monday - Sunday from 8:00 am to 8:00 pm.

Mr. Cacciatore asked if Mr. Rich had been provided a copy of the sign ordinance; Mrs. White noted he had not as Mr. Rich had indicated to her his intent to use the existing sign and re-letter it. Mrs. White noted the inspection station placard could be fastened to the bottom or side of the existing sign, as long as the location did not obscure site visibility for vehicles coming out of the driveway.

Mrs. White read a list of conditions for the previous business which would also be conditions for Chuck Rich Cars, with the addition of the allowed amount of waste oil to be stored at any one time on the premises.

1. Approved hours are 8am to 8pm, Monday – Sunday.
2. There shall be no major maintenance performed on the premises.
3. There shall be no flammable fluids or other hazardous chemicals stored on site.
4. In the event that flammable fluids or other hazardous chemicals are utilized, MSDS forms will be supplied to the Fire Department.
5. Tenant agrees to bi-annual inspections from the Fire Department.
6. The Planning Board shall approve any signage.

7. There shall be no additional outside lighting.
8. Tenant shall have up to 20 cars on the premises, inside and outside.
9. No vehicle of any kind shall be parked in front of the hydrant.
10. Mr. Keller will provide a copy of the lease for the file.
11. With the approval of the Fire Department, tenant is allowed to store up to 10 gallons of waste oil on the premises before transporting to a separate facility.

Mr. Cacciatore opened the floor to abutters.

Mr. Mark Corson, 7 Haverhill Road was present and asked to speak. He had concerns as last summer there was a trucking operation and dump trucks going in and out of the property every day; and trailers on the property with people living in them; skid marks in the driveway, etc. He was also concerned about parking so many cars on the property. It seems like there is a lot of activity crammed onto a sensitive area.

Mr. Rich noted he had just signed a lease with the property owner so he knew nothing about whatever had gone on before. He noted that the house was separate from his business; there were 4 people renting the house and they had four cars with their own designated parking areas. He has already spoken to them regarding trash and keeping the premises clean; he was going to keep a clean operation. There will be no peeling out or tire marks. He has permission from the landlord to inform him if there are things going on he doesn't like.

Mr. Morales noted that although it was in the commercial zone, there is a residential house for rent and the garage for rent for business; they are separate even though they are on the same property. If there are any issues, Mr. Corson was encouraged to speak to Planning Board about deviation from the conditions of approval for the business and the Police Department for the house as they were separate entities. Mr. Rich suggested if Mr. Corson had any concerns, he should speak to him first to see if he could solve whatever the problem was.

Mrs. White noted that there had been perhaps a 6-8 month span of time from when the last tenants left to when Mr. Rich leased the property; so it appears the issues Mr. Corson was speaking about did not have anything to do with the last business.

Mr. Corson indicated he hoped there could be a stipulation no mechanical work would be done on Sundays; Mr. Rich stated anything he would do would be inside the garage.

Mr. Cacciatore asked for a motion.

MOTION: Mr. Bath **MOVED** to approve the use for used car sales by Chuck Rich at 17 Haverhill Road, East Kingston dba Chuck Rich Cars with the 11 conditions as reviewed and to approve Mrs. White to send a letter to the Selectmen asking them to sign the paperwork approving the inspection station status when received from the state; Mr. Morales seconded; the vote was unanimous.

Mr. Cacciatore closed the discussion. The Board wished Mr. Rich good luck in his endeavor. Mr. Rich thanked the Board for their time.

Mrs. White noted she would send Mr. Rich and Mr. Keller a copy of the conditions and would return the lease and business license after making copies. Mr. Rich requested any correspondence regarding the business be sent to his home address as does not have a mail box to receive mail yet at the business address.

Board Business

Subdivision Regulations

Ms. LaBranche noted that subdivision changes would likely be ready for the December meeting.

Member Contact List

Mrs. White handed out contact information to the members.

Elderly Housing Ordinance

Mrs. White has had some real estate people call and ask her if all the residents had to be over 55. She had referred them to the ordinance which states that "all permanent residents of the of all elderly housing units shall be at least 55 years of age." She has also had inquiries if adult children under the age of 55 would be allowed to visits for 1-2 weeks. She referred them to the individual communities' covenants and by-laws.

Roommates

There was also an inquiry by a person who was interested in purchasing a house and wanted to know if there were any ordinances that would prevent her from having roommates. Mr. Morales noted that is no reason a person cannot have roommates.

2 Haverhill Road

Mrs. White noted that had been two inquiries by businesses to rent the detached garage at 2 Haverhill road. This property is in the commercial district, but also with an overlay with the Town Center District. As both of the businesses were automobile related, she did inform them that as the address was in the Town Center District, vehicles could not be parked outside as part of any business.

Cole House

Mr. Cacciatore reported he had been contacted by the Elementary School who said they want to tear down the Cole House and construct another building in its place. He told them they would need to conform to what Mr. Moreau, the Building Inspector, told them. Mr. Moreau stated the house was too close to the road and did not conform to the ordinance. He had also told them it was necessary to get the house checked for asbestos and lead paint and have them removed properly, if necessary.

Mr. Morales opined that if they kept to the same footprint, it should be fine; they could build on the same footprint, but noted they would need a demolition permit. Mr. Moreau noted they indicated wanting to also put an addition on the building. He inquired if they would need to come before the Planning Board because there was a change of use?

Mr. Cacciatore suggested inviting them to come to the Board and discuss their plans for the changes so the Board could assist them in achieving their goal. The Board asked Mrs. White to send the letter to School Board Chairman Korrine Bork letting her know the deadlines for the next meetings.

Geothermal Systems

Mr. Caswell inquired what type of permits would be necessary for installing a geo-thermal system. Mr. Moreau stated a geo-thermal system would necessitate drilling a well, and as there was no fee for well permits in East Kingston, the only permit that would be needed is an electrical permit.

Annual Summary

Ms. LaBranche noted she could help with the Annual Report; Mrs. White noted she would put it together and send to Ms. LaBranche to see if she wanted to add anything.

Regional Master Plan

Ms. LaBranche noted that Regional Master Plan Draft was almost complete and there was a link on the RPC website if anyone wanted to review it. It will probably be adopted in January or February.

Legislative Forum

Mr. Bath asked Ms. LaBranche how the Legislative Forum was. She said there were a variety of speakers and mixed reviews.

ADJOURNMENT

MOTION: Dr. Marston **MOVED** the Planning Board adjourn; Mr. Bath seconded. The motion was unanimous.

The meeting was closed at 8:00 pm. The next Planning Board meeting will be December 18.

Respectfully submitted,

Barbara White

Barbara A. White
Planning Board Secretary
Mr. Cacciatore, Chairman

Minutes approved December 18, 2014