

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MINUTES
December 19, 1996

FILE

AGENDA

- 8:00 Donald Kemp - Public Hearing - Subdivision
8:30 2 Home Occupation amendments - Public Hearing
New Wetlands Ordinance - Public Hearing
Existing Land Use chapter - Public Hearing

Members Present: Richard A. Smith, Sr. - Chairman, J. Roby Day, Jr. - Ex-officio, Ed Johnson, Dr. Robert Marston, Catherine George, and Alternate Robert Nigrello.

Absent: Alternates Beverly Fillio and Madeline Marshall.

Others Attending: Glenn P. Clark - Building Inspector, Lawrence K. Smith - Conservation Commission Chairman, Sarah Campbell, RPC Circuit Rider, Mr. & Mrs. Donald Kemp, Dale Kemp - Applicants, Dennis Quintal and Dan Bodwell.

Chairman Smith called to order this December 19, 1996 planning board meeting at 7:35 p.m. with the roll call.

November 21, 1996 Planning Board Minutes: The board reviewed the 11/21/96 minutes and noted corrections.

MOTION: Mrs. George motioned to approve the November 21, 1996 planning board minutes as corrected. Mr. Day second. The motion passed unanimously. (5-0)

December 5, 1996 Work Session Minutes:

MOTION: Mrs. George motioned to approve the December 5, 1996 work session minutes as prepared. Mr. Day second. The motion passed unanimously.

It was noted that the recording secretary would not be available for the January 2, 1997 planning board meeting and that Mrs. George will transcribe the minutes.

Seacoast MPO: Mr. Larry Smith informed the board that the Seacoast MPO will be starting its planning process for the 1999-2001 plan. A meeting will be held January 9, 1997, 7:00 p.m. at the Exeter Public Library.

Donald Kemp - Continued Public Hearing - Subdivision: Chairman Smith opened the public hearing for Donald Kemp at 8:00 p.m. Mr. Kemp proposes to subdivide 17.5 acres into two parcels located at 150 Willow Road, MBL#7-3-2.

Mr. Kemp presented the board with new maps showing the entire parcel (MBL# 7-3-2) which was requested at the November 21, 1996 meeting. The board reviewed the topography map and noted the 4,000 K area. Mr. Dale Kemp presented a map of the proposed septic design.

The board noted that the newly created parcel was erroneously numbered. This was corrected on the Mylar and prints. The correct MBL# of the newly created lot is 7-3-13 as was assigned by the East Kingston Assessing Office. The board reviewed the frontage, boundary pins, abutters.

MOTION: Mrs. George motioned to approve the application to subdivide 17.5 acres into two parcels located at 150 Willow Road, MBL# 13-3-2. Dr. Marston second. The motion passed unanimously. (5-0)

For the purpose of recording into the minutes, Chairman Smith signed the mylar.

Driveway Permits: Mr. Day stated that Article III-A.D.(f).(4) indicates that a driveway permit is issued by "the Town" and that Subdivision Regulation Section XII.C.8 indicates that a driveway permit is issued by the Planning Board.

The board discussed the possible confusion of "by the Town" as the ordinance's intent was that driveway permits are issued by the Building Inspector.

MOTION: Mr. Day motioned to amend Subdivision Regulations Section XII.C.8 to read: "...Lots fronting on Town Roads require driveway permits from the Building Inspector" and to hold a public hearing January 16, 1997 at 8:00 p.m. in accordance with RSA 675.6. Mrs. George second. The motion passed unanimously. (5-0)

Subdivision Regulations Section VI.I.J: Mr. Larry Smith recommended that Subdivision Regulations Section VI.I.J be amended by adding: "soil type and slope shall be shown for a minimum distance of 100 ft. beyond the exterior boundary of the proposed subdivision".

MOTION: Mr. Day motioned to amend Subdivision Regulations Section VI.I.J be amended by adding: "soil type and slope shall be shown for a minimum distance of 100 ft. beyond the exterior boundary of the proposed subdivision". Mrs. George second.

Discussion of the 100 ft. requirement resulted in the withdrawal of Mr. Day's motion and Mrs. George's second. The board further discussed the difference of hydric A soil and standing water. It was the opinion of some members that the 100 ft. proposed requirement and the State's 75 ft. requirement was conflicting. Another concern addressed was the added expense to the property owner to have this additional 100 ft. soil surveyed.

MOTION: Mr. Day motioned to amend Subdivision Regulations Section VI.I.J by adding "additional soils mapping will be required if the proposed leach field area is less than 100 ft. from the boundary line to demonstrate that the wetlands setback requirements are met, and to hold a public hearing on January 16, 1997 in accordance with RSA 675:6. Mr. Johnson second. The motion passed unanimously.

Home Occupation Ordinance Amendments - Public Hearing: Chairman Smith opened the public hearing for two proposed 1997 Home Occupation ordinances: Article X.10.4. Clarify the intent of the 1996 amendment by moving the existing 10.4.1 and 10.4.2 to 10.3.8 and 10.3.9 and by adding a new 10.4 (see attached).

Chairman Smith stated that he opposes the terminology "accessory structures" because it is not subordinate with the intent of the ordinance. He stated that when a business is not located in the home (house), it is no longer a home occupation. He gave the example of a property owner who constructs a barn five times the size of the house, then uses the 50% gross floor area of this barn for a business. This business is now allowed to be larger than the home.

MOTION: Mr. Day motioned to amend Article X Section 10.4. Clarify the intent of the 1996 amendment by moving existing 10.4.1 and 10.4.2 to 10.3.8 and 10.3.9 and by adding a new 10.4 as follows:

10.3.8 Home occupation use of the dwelling unit must not utilize more than 25% of the gross floor area (including basement and accessory structures) of the dwelling.

10.3.9 Not more than two non-resident (of the premises) may be employed at the premises. For the purpose of this section, the Planning Board shall determine whether sales of other personnel, who conduct the majority of their business away from the property, shall be included in the count of those employed at the premises.

10.4 Exemptions: If a property is located on a State Road (NH Routes 107, 107-A, 108), or is greater than eight acres in size, or there are no dwellings within 300 feet of the building in which the home occupation is to be located, then no more than four non-residents (of the premises) may be employed, and the home occupation use of the dwelling shall not utilize more than 50% of the gross floor area (including basement and accessory structures).

Mrs. George second. The motion passed 4-1, (Chairman Smith opposed).

Chairman Smith read the second home occupation amendment Article X.10.6 Permit required. (See attached).

MOTION: Dr. Marston motioned to amend Article X.10.6 Permit required by adding: Businesses whose owners can demonstrate that they do not create any traffic, visual, or other impacts on the neighborhood (above and beyond those impacts resulting from the residential use of the property) may be exempted by the Selectmen from these permitting procedures.

Exemption from the permitting procedures does not relieve anyone from compliance with the provisions of this and all other sections of the zoning ordinance.

Mr. Day second. The motion passed unanimously. (5-0)

Wetlands Conservation District Amendments: Mr. Larry Smith stated that the present wetlands ordinance is vague and that he has drafted changes in definitions to concur with state and federal definitions. He noted the new setbacks of 75 ft. from hydric A soil and 50 ft. from hydric B soil.

The board reviewed the amendments (see attached) and inquired the difference between hydric soils and standing water.

MOTION: Mrs. George motioned to amend the new wetlands amendments as proposed by Larry Smith. The motion failed for lack of second.

Mr. Day argued that accepting the state's minimum requirements does not allow room for judgment.

MOTION: Mrs. George motioned to accept the new wetland amendments as proposed by Larry Smith. Mr. Johnson second. The motion failed 2-0 (Chairman Smith, Mr. Day and Dr. Marston abstaining).

MOTION: Mrs. George motioned to continue this public hearing for the New Wetlands Ordinance to January 2, 1997 at 8:15 p.m. Mr. Day second. The motion passed unanimously. (5-0)

Existing Land Use Chapter - Public Hearing: Chairman Smith opened the public hearing for the Existing Land Use Chapter of the Master Plan at 10:15 p.m. (see attached). The board reviewed this chapter.

MOTION: Mrs. George motioned to adopt this Existing Land Use chapter of the Master Plan to replace the corresponding chapter in the 1988 East Kingston Master Plan. Mr. Day second. The motion passed unanimously. (5-0)

MOTION: Dr. Marston motioned to adjourn. Mrs. George second and this December 19, 1996 public planning board meeting ended at 10:30 p.m.

Respectfully submitted,

Catherine Belcher
Secretary

Minutes completed and on file December 20, 1996.