



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2013-2014
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 19 December 2013
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.
- ◆ **Public Hearing** for Home Occupation application for Mr. & Mrs. Joseph Oliveira, 168 North Road, MBL 016-03-05 for catering.
- ◆ **Public Hearing** for submission of a warrant article to change Article VII - General Provisions - Paragraph D.6. of the Zoning Ordinance from 100 ft to 75 ft.
- ◆ **Public Hearing** for submission of a warrant article to change Article IX - Lot, Yard and Area Requirements - Paragraph H. of the Zoning Ordinance from 100 ft to 75 ft.
- ◆ **Review** of Growth Management.

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

ROLL CALL: Mrs. White called the roll.

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

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

Others Present: Applicant Joseph Oliveira, and abutter Robert Ahern.

Board Business

Minutes

Dr. Marston asked for a motion to approve the October and November minutes.

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

Public Hearing for Home Occupation application for Joseph Oliveira and Oksana Karcha, 168 North Road, MBL 016-03-05 for catering.

Mr. Oliveira explained he had spoken to the Board in August to find out if the catering occupation he and his wife wanted to run would be considered as a home occupation before he purchased the property at 168 North Road. He explained it would give his wife the opportunity to utilize their property for preparing her food instead of requiring her to rent space at an outside commercial kitchen. This particular piece of property would also allow him to do some farming.

At that time, the Board agreed what the Oliveiras were describing met the standards for a home occupation. Since the August meeting, the Oliveira had purchased the property and were in the process of converting the attached

two-car garage into a commercial kitchen. They were now before the Board to formally apply for a home occupation permit.

Dr. Marston asked if they would need a state inspection; *Mr. Oliveira answered the state would need to do an inspection since food preparation was involved. Once they passed the state inspection, they would receive a permit to operate out of their home.* Mr. Morales asked if the Town health inspector would also need to conduct an inspection; *Mr. Oliveira opined he thought that would be the case.* Mrs. White noted it could be included as a condition of approval.

Dr. Marston asked if they would be requesting a sign. *Mr. Oliveira answered they did not wish to have a sign. They only wanted to operate out of the location, but not sell from there.*

Mr. Morales asked if they would be having any commercial vehicles; *Mr. Oliveira answered they only have a van they use at the present time.*

Mr. Bath asked about the fire suppression system for the kitchen, which he was sure would be required for a commercial kitchen. *Mr. Oliveira answered that they were in the process of finding someone who could install that system.*

Dr. Marston opened the floor to abutters. Mr. Robert Ahern, 174 North Road stated he had no issue with the home occupation the Oliveiras were proposing. Dr. Marston closed the floor to abutters.

Mr. Morales reviewed the standards of the home occupation ordinance with Mr. Oliveira. Mr. Morales noted that although the Oliveiras would need to contract privately with someone to handle the solid waste for their home occupation, the Town would take their recyclables. Mr. Morales noted they could arrange for another recycle container if needed.

Mr. Morales noted they had asked for hours of 9:00 am to 5:00 pm, and suggested they ask for the most number of hours they might need so they would not need to come back before the Board for a change. They had also not indicated what days they would be operating. Mr. Oliveira changed his request for hours of 6:00 am to 7:00 pm, 7 days a week.

Mr. Morales also noted that since they lived on a state road, they were allowed up to 4 employees besides themselves. Mr. Oliveira changed his request to 6 employees, taking into consideration for the future 4 employees and he and his wife.

Mr. Morales noted that as part of the conditions of approval for this home occupation, all the standards in the Home Occupation Ordinance would need to be adhered to, as well as the need to pass all required state and local inspections and acquire all necessary state permits. They would also need to have a yearly fire inspection.

The following stipulations will apply:

- Home occupation is for catering.
- All standards listed under Article XVI, Paragraph C. - Home Occupation Standards with any required building permits obtained from the Building Inspector.
- All required state and local permits and inspections will be obtained.
- Hours of operation to be 6:00 am - 7:00 pm, Monday through Sunday.
- Approved for up to 6 employees (which includes the 2 homeowners) for this home occupation as it is located on a state road.
- As an invisible home occupation, no sign is allowed.
- A yearly fire inspection will be conducted.
- Any change in the nature of the business, its scope, or number of employees shall be reviewed by the Planning Board for approval by the Board of Selectmen.
- All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

Dr. Marston asked for motion.

MOTION: Mr. Bath **MOVED** to send a letter of approval to the Selectmen for the home occupation of Joe Oliveira and Oksana Karcha, 168 North Road, East Kingston MBL 016-03-05 dba Bocovina Cuisines with the above noted conditions. Mr. Morales seconded; the motion was unanimous.

Dr. Marston closed the public hearing, Mr. Oliveira thanked the Board for their time.

Mrs. White noted that the Planning Board would send a letter of recommendation to the Selectmen, who would have final approval/denial. Since he will not have a sign, it appears he qualifies as an invisible home occupation and the yearly fee will be \$25. The application fee Mr. Oliveira paid includes the first year's home occupation fee, so he would not need to pay any permit fees until the second year. Each year, the Selectmen's Office would contact him and let him know when the fee was due. Mrs. White will send a copy of the recommendation letter to Mr. Oliveira.

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

Mrs. White noted she had received an e-mail from SEC requesting an extension of the public hearing.

Ms. LaBranche noted the court upheld the PB decision to deny the waiver, and the applicant had 30 days to appeal. They appealed it, filing a motion for reconsideration. The applicant requested a 30-day continuance from the date of the court decision; this continuance went until December 13. The motion of denial of the reconsideration was December 11. Thirty days from then takes it to January 11, which does not take the Planning Board to their next meeting.

Ms. LaBranche reported that the attorney representing Maplevale Builders, LLC had submitted a new request for extension. The Board is now in a waiting mode on the matter. The Planning Board will honor the applicant's request to continue the hearing pending resolution of their 30-day right to appeal. They should hear from the applicant's attorney by January 11.

Dr. Marston asked for a motion to continue this hearing.

MOTION: Mr. Bath **MOVED** to grant the request for continuance for Subdivision Review for proposed 3-lot subdivision at Woldridge Lane, MBL 03-02-03 for Maplevale Builders, LLC per the request of the applicant's attorney appealing the motion of denial of the reconsideration. Mr. Delling seconded; the motion was unanimous.

Public Hearing for submission of a warrant article to change Article VII - General Provisions - Paragraph D.6. of the Zoning Ordinance from 100 ft to 75 ft.

Public Hearing for submission of a warrant article to change Article IX - Lot, Yard and Area Requirements - Paragraph H. of the Zoning Ordinance from 100 ft to 75 ft.

Dr. Marston opened the public hearings and there was Board discussion. It was noted these changes are being made to have the setback distances consistent throughout the ordinance and conform with the state requirements. This change could also eliminate the need for applicants to appear before the Zoning Board of Adjustment for variances to distances different than the state regulations.

Ms. LaBranche noted that these two amendments to the ordinance should be presented as one warrant article as they appear in two separate places but state the same thing.

Mrs. White will reformat the request and the Board will place it before public hearing at the January 15 meeting.

Dr. Marston asked for a motion.

MOTION: Mr. Bath **MOVED** to hold a Planning Board public hearing for proposed warrant article change to Article VII - D. General Provisions and Article IX - H. Lot, Yard and Area Requirements of the ordinance from 100 feet to 75 feet from any surface water for consistency with state requirements on January 16, 2013. Mr. Delling seconded; the motion was unanimous.

Dr. Marston closed this public hearing.

Discussion with Mr. Jim Ladd regarding prospective home occupation

Dr. Marston invited Mr. Ladd up to the front to explain what type of home occupation he was interested in.

Mr. Ladd noted he was contemplating purchasing a house on East Road and was inquiring if he could have a home office for his mobile automobile repair business. He needs an address so he can purchase insurance for his business and needs a business certificate to do so. He would perform the office operations only for the business at his residence. He would not have a sign.

Mr. Morales noted the town does not issue business certificates, but could provide a copy of the letter of approval from the Planning Board to the Selectmen and the Selectmen's minutes approving the home occupation.

Mr. Ladd noted he will wait until the sale of the home goes through to submit his application and thanked the Board for their time.

Growth Management Review

Mrs. White had updated the housing stock figures, but had not computed the percentages. Ms. LaBranche will supply her with the correct formula to calculate the percentages, as the figures that are already there do not appear to be correct.

It was discussed that the over 55 communities should not be included in the number for the calculations, but was noted that not all the over 55 communities were in the same area on the chart. Mrs. White will rework the chart and convert it into excel spreadsheet with the over 55 communities all in the same area. The only other item to be updated this year will be the student population on Table 5; Ms. LaBranche will get those figures. We have a growth management ordinance and a method of measuring growth.

The Board discussed the need to revise this chapter next year, as much of the information cannot be updated as figures cannot be acquired and the information is not tracked any longer. They also considered the possibility of removing much of the information and inserting it as an appendix to the Master Plan so the history would not be lost.

At the time this ordinance was prepared, there was a fear there would be a challenge the growth ordinance. We wanted to prove we were no different than other towns by showing a historical perspective of surrounding communities, or communities of similar size, for comparison of how we were growing.

Other Board Business

The Board also discussed reviewing the following Master Plan chapters: Existing Land Use, Future Land Use, and the Vision chapters for the next year.

Ms. LaBranche will also work on revising all the references in the subdivision regulations and will look at bonding.

Regional Master Plan Updates

Ms. LaBranche reported that the RPC is in the process of updating the Regional Master Plan, and draft chapters should be complete by June 2014. There will be updated statistics for East Kingston as part of that for natural resources, water, land use, etc. That information could be compiled into a profile for the Town and incorporated into the Existing Land Use Chapter of the Master Plan.

New Land Use Books

Ms. LaBranche noted the new Land Use books should be here by the January meeting.

Home Occupation Changes

Mr. Bath noted there appeared to be some information included in the new ordinance book pertaining to the home occupation ordinance that the Board had been deleted prior. Mrs. White and Ms. LaBranche will review, make corrections as needed and provide new pages to the Board.

January Meeting

For next month's meeting so far we have the continued public hearing for Woldridge Lane, the public hearings for the warrant article changes, and the updates to the Growth Management ordinance. There are no applications yet.

ADJOURNMENT

MOTION: Mr. Morales **MOVED** the Planning Board adjourn, Mr. Bath seconded. The motion was unanimous.

The meeting was closed at 8:15 pm. The next Planning Board meeting will be January 16.

Respectfully submitted,

Barbara White

Barbara A. White
Planning Board Secretary

Minutes approved January 16, 2014

Mr. Cacciatore
Chairman