



ZONING BOARD OF ADJUSTMENT
EAST KINGSTON, NEW HAMPSHIRE

NOTICE OF DECISION

The East Kingston Zoning Board of Adjustment held a duly noticed public hearing on November 29, 2022 which was continued to December 29, 2022 at 41 Depot Road, East Kingston to act on the application for an Appeal from Administrative Decision submitted by Bradley Poole with respect to a cease and desist Notice of Violation Use of 116 North Road, MBL# 15-03-14, as issued by the Board of Selectmen Chairperson Cacciatore on October 17, 2022 in relation to the Town of East Kingston Zoning Ordinance Article III-B – Residential/Agricultural District and Article XVI – Home Occupations and rendered the following decision:

Case# 2022-05

BRADLEY POOLE

PROPERTY LOCATION: 116 NORTH ROAD

MBL# 15-03-14

Based on the information and testimony presented, the Board determined Mr. Poole was in violation of the East Kingston zoning ordinances as cited in the Notice of Violation, and that the Selectboard had correctly cited and interpreted the said zoning ordinance articles. Therefore, and by unanimous vote of the five voting members present, the board **DENIED** the **APPEAL FROM ADMINISTRATIVE DECISION** for the reasons below:

- By his own testimony and that of his attorney, Mr. Poole has been operating a business (currently named) BWP & Sons LLC from his residence of 116 North Road since 1999 without registering with the town as a home occupation or an approved business.
- The business does not meet the definition of an invisible home occupation as prescribed in Zoning Ordinance Article XVI – Home Occupations.
- The business is not grandfathered as prescribed in Zoning Ordinance Article XVI – Home Occupations as it was not in existence prior to January 6, 1989 and not on record as such.
- By his own testimony and that of his attorney, Mr. Poole has been storing commercial vehicles greater than 14,000 GVW at his residence of 116 North Road.
- On February 17, 2022 the East Kingston Planning Board recommended the Selectboard not approve Mr. Poole's home occupation based on the proposal not complying with Zoning Ordinance Article III-B.1 which states that parking of not more than one commercial vehicle of 14,000 GVWR or less is permitted and shall not have the appearance of business operations from the property; and for not complying with Zoning Ordinance Article XVI.F which states that that commercial activity is not a permitted use under a Home Occupation Permit.
- The Selectboard clarified their position on this matter on December 12, 2022 by voting to affirm the Planning Board's recommendation, which, in effect, denied the home occupation application of Mr. Poole.

Timothy Allen, Chair
East Kingston Zoning Board of Adjustment

Date of Notice: December 30, 2022

NOTE: The selectmen, any party to the action, or any person directly affected has a right to appeal this decision. See RSA 677. This notice has been placed on file for public inspection in the records of the Zoning Board of Adjustment. Copies of this notice have been distributed to the applicant, members of the Planning Board, the Board of Selectmen, the Building Inspector, the Town Clerk, and the Property Tax Assessor (Town Administrator).