



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 July 27, 2023 on the application for an Appeal from Administrative Decision submitted by George G. and Jill A. Whiteman alleging an error had been made in the decision, determination or requirement of the May 18, 2023 Planning Board recommendation and the June 12, 2023 Board of Selectmen decision to not approve the Whiteman's invisible home occupation proposal to operate G&J Transportation, LLC from 18 Rowell Road, MBL# 10-17-02. The appeal cited the Planning Board and Selectmen misconstrued and misapplied the terms of East Kingston Zoning Ordinance articles related to the Residential/Agricultural District: Article III-B.1, Article III-B.2, and articles related to Home Occupations: Article XVI.A, Article XVI.C.3, Article XVI.C.6, Article XVI.C.7, Article XVI.D.2, Article XVI.F, and Article XVI.G. The Board rendered the following decision:

**Case# 2023-02**

**GEORGE G. & JILL A. WHITEMAN**

**PROPERTY LOCATION: 18 ROWELL ROAD**

**MBL# 10-17-02**

Based on the information and testimony presented, the Board determined the Planning Board, in its interpretation of the Zoning Ordinance, did not err in its judgement or recommendation to the Board of Selectmen to not grant an invisible home occupation permit, nor did the Board of Selectmen, in its interpretation of the Zoning Ordinance, err in its judgement or decision to deny an invisible home occupation permit to the applicants. Therefore, the Board voted (4 in favor and 1 abstention) to **DENY** the **APPEAL FROM ADMINISTRATIVE DECISION**. The basis for this decision is outlined, in part below, and in greater detail in the Board's Finding of Fact and meeting minutes:

- ARTICLE III-B.1 – The applicant's 19,000 GVWR tractor trailer unit exceeds the allowable limit of 14,000GVWR for parking in a residential district.
- ARTICLE III-B.2 – The applicant's commercial trucking operation is not a permitted use in a residential district.
- ARTICLE XVI.A – The tractor trailer unit activity creates a visible presence of a business not conducive to an invisible home occupation application.
- ARTICLE XVI.C.3 – The tractor trailer unit would likely impede the traffic flow on Rowell Road.
- ARTICLE XVI.C.6 – The tractor trailer activity does not meet the criteria regarding negatively impacting the physical condition, safety, access or traffic volume of existing roads.
- ARTICLE XVI.C.7 – The storage of a tractor trailer unit in a 40'x70' building does not meet the 25% allowable gross floor limit.
- ARTICLE XVI.D.2 – The trucking operation does not meet the standards as an invisible home occupation.
- ARTICLE XVI.F – The trucking operation is considered a commercial activity not permitted as a home occupation.
- ARTICLE XVI.G – The tractor trailer unit activity creates a visible presence of a business not conducive to an invisible home occupation.

Ed Robbins, Vice Chair  
East Kingston Zoning Board of Adjustment

Date of Notice: August 2, 2023

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).