



EAST KINGSTON PLANNING BOARD

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JOSHUA BATH, CHAIRMAN

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NOTICE OF DECISION

The East Kingston Zoning Ordinance Article XVI Home Occupation recognizes that certain types of home-based businesses may be carried on without an adverse impact on the residential property or the neighborhood, but that limitations are necessary to preclude uses of a scale or type which may be incompatible in a residential context.

In accordance with these provisions, the Planning Board is charged with holding a public hearing on home occupation proposals to determine whether the scope of the proposal meets the requirements set forth in the ordinance and to make recommendation to the Board of Selectmen as to whether a home occupation permit should be granted. The Board of Selectmen would then issue a final decision.

As such, on March 21, 2024 and April 18, 2024, the Planning Board heard the home occupation application of **BETH CHAPMAN (PB CASE # 2024-04)** to operate **CLEVERK9, a DOG DAYCARE FOR UP TO 15 DOGS (modified from original application of 20 dogs) AND TRAINING CENTER FOR UP TO 6 DOGS** at **98 DEPOT ROAD, MBL# 04-02-12**. Based on the information presented, the Board hereby recommends the Board of Selectmen **DENY** a home occupation permit for the following reasons:

1. The daycare operations for up to 15 dogs specific to the 45'x45' outside penned area is not located within a structure on the property. (*Article XVI.E.1: The Home Occupation must be located within a dwelling unit, or in a building or structure accessory to a dwelling unit.*)
2. The daycare operations for up to 15 dogs would generate noise beyond the property lines that would infringe upon the comforts and rights of abutting properties. One specific concern is the location of the daycare itself to the abutting property line. (*Article XVI.E.1: The Home Occupation must not offend by emitting smoke, dust, odor, noise, gas, fumes, lights, or refuge matter.*)
3. The coming and going of up to 15 vehicles per day (up to 30 trips total) would exceed the number of vehicles typically generated by other properties in the neighborhood and therefore give the appearance of a commercial use of the property. (*Article XVI.B. The purpose of establishing conditions for home occupations is to provide for small scale business uses of the home which are subordinate to the principal use of the property as a residence, and that are virtually indistinguishable in appearance and level of traffic generation from other residences in a neighborhood. No Home Occupation shall be permitted which would be incompatible with traditional residential uses in the surrounding neighborhood.*)

Tim Allen, Vice Chair
East Kingston Planning Board
April 19, 2024