



# EAST KINGSTON PLANNING BOARD

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JOSHUA BATH, CHAIRMAN

TIM ALLEN, VICE CHAIR

## FINDINGS OF FACT / NOTICE OF DECISION

The purpose of the Site Plan Review Regulations is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development. All changes, including a change of tenancy, and expansions of use for existing Site Plans require written notification to the Planning Board, who will determine whether the proposal shall be required to undergo the full Site Plan Review and public hearing processes.

In accordance with this process the Planning Board met with **CHANGE OF TENANCY** applicant **JASON LEMAY (PB CASE #2024-02)** on February 15, 2024 and March 21, 2024 to consider his proposal to operate **NEWTON HOT TUBS**, a hot tub delivery service from **213 HAVERHILL ROAD, UNIT 8A, MBL# 11-02-17**. As part of the Board's review of the application, the following Findings of Fact were noted:

- The applicant has been operating the business from the premises without a permit since 2020.
- The applicant has been stockpiling junk/discarded hot tubs around the perimeter of the building whereby a November 2023 site walk of the premises documented environmental concerns about the piles of debris and the unauthorized operation of the business.
- The applicant was granted two 30-day extensions to bring the business operations into compliance (no materials/items stored outside of the building).
- The applicant failed to comply with these requirements.

At their April 18, 2024 meeting, the Board was informed of the applicant's April 17<sup>th</sup> verbal withdrawal of application; however, lacking anything in writing, the Board voted to **DENY** the Change of Tenancy application for the following reasons:

1. The applicant's failure to provide a written business plan outlining the requirement that all new hot tubs and associated equipment be stored inside the building and all old/junk hot tubs be stored inside the building or in an enclosed trailer with a schedule for disposal.
2. The applicant's failure to comply with the directive to remove the stockpile of over 19 old/discarded hot tubs from the property by way of transporting them to the dump or placed inside a building or enclosed trailer, and to move all the new hot tubs and associated equipment inside the building, which would result in the outside of the building and its perimeter to be free from stockpiled materials, debris, or other items.

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