



PLANNING BOARD
EAST KINGSTON, NEW HAMPSHIRE

NOTICE OF DECISION

Case # 2023-01

TAMARA CAMMETT & PAUL GOODRICH - 70 HAVERHILL ROAD - MBL# 09-01-01
HFL TRUST - 76 HAVERHILL ROAD - MBL# 09-01-07

On January 19, 2023 after a duly noticed public hearing, and pursuant to RSA 676:3, the East Kingston Planning Board, by unanimous vote, APPROVED WITH CONDITIONS a lot line adjustment, which would, upon final execution of a transfer by property deed, convey 1.63 acres from MBL# 9-1-7, located at 76 Haverhill Road, to MBL# 9-1-1, located at 70 Haverhill Road, increasing MBL# 9-1-1 from 2.71 acres to 4.34 acres and decreasing MBL# 9-1-7 from 4.10 acres to 2.47 acres. The conditions set forth by the Planning Board in this lot line adjustment approval are as follows and shall be completed prior to the signing of the final plan:

1. Corrections be made to the plan with respect to owners of record in the owners of record block (MBL number and address for HFL Trust).
2. Correction be made to Note #2 by changing the reference to Plan Reference #2 (not #1).
3. Clarify Note #4 by stating the portion of the driveway that passes from MBL# 09-01-07 through MBL# 09-01-01 is to be discontinued.
4. Correction to the date depicted in the Surveyor certification statement (November 2021 should read November 2022).
5. Inspection of monumentation be completed by a town representative.
6. Payment of all professional review invoices.
7. Provide a final plan for recording at the Registry of Deeds.
8. Submit recording fees made payable to the Rockingham County Registry of Deeds (both mylar recording fee and LCHIP fee).

Note: The approval of this lot line adjustment by the Planning Board constitutes recognition that the lot configurations, as proposed, are in conformance with local land use regulations or are otherwise accepted with non-conformances. The owners of the respective lots must transfer the acreage from the lot line adjustment by deed.

RSA 677:15: Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application.

Joshua Bath, Chair
East Kingston Planning Board

Date of Notice: January 20, 2023



EAST KINGSTON PLANNING BOARD

Town of East Kingston • 24 Depot Road • East Kingston • NH • 03827
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Joshua Bath, Chairman
Tim Allen, Vice Chair

NOTICE OF DECISION

On February 16, 2023, the Planning Board heard the home occupation application of **JAMIE COOK, 4 FOREST DRIVE, MBL# 07-03-67** to operate **JTC CONSTRUCTION LLC**, a **CARPENTRY/CONSTRUCTION** and **SNOWPLOWING BUSINESS OFFICE with BUSINESS EQUIPMENT and MATERIAL STORAGE** on the premises as prescribed below. The board recommends to the Board of Selectmen that the **JAMIE COOK** home occupation permit application be approved as a **VISIBLE** home occupation, with an annual fee of **\$50**.

As determined by the Planning Board, the following conditions of business operations shall apply:

1. The operations at the premises shall be for the business office, storage of two commercial vehicles under 14,000 GVW, one utility trailer, one dump trailer, and occasional handling of building materials to be stored behind the dwelling or another enclosed space.
2. Business functions shall include carpentry/construction services (including, but not limited to, remodeling, siding, window replacement, roofing, cabinetry, etc.) and seasonal snow plowing.
3. Hours of operation will be Sunday-Saturday 7:00am to 7:00pm.
4. The business shall be limited to no more than two nonresident employees (currently two employees – 1 nonresident and 1 resident including the business owner).
5. No business signage is proposed.
6. Minimal deliveries shall be permitted including occasional building material deliveries (building material deliveries not to exceed twice a month).
7. No onsite carpentry/construction activity relating to the business shall be permitted.
8. All other standards listed under Zoning Ordinance Article XVI, Paragraph C – Home Occupation Standards shall apply.
9. Any change in the nature or scope of business activities shall be reviewed by the Planning Board for approval by the Board of Selectmen.
10. All outstanding fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

Joshua Bath, Chair
East Kingston Planning Board
February 17, 2023



PLANNING BOARD
EAST KINGSTON, NEW HAMPSHIRE

NOTICE OF DECISION

Case # 2023-02
DESCHENES FAMILY TRUST
DEER RUN - MBL# 06-01-04

On March 16, 2023, after duly noticed public hearings, and pursuant to RSA 676:3, the East Kingston Planning Board, by unanimous vote, APPROVED WITH CONDITIONS the subdivision proposal of the Deschenes Family Trust (Dawn LeSage, Trustee) to subdivide a 29.45-acre parcel which is located in both the towns of East Kingston (20.72 acres on Deer Run/MBL# 06-01-04) and Kingston (8.73 acres at 75 Exeter Road/R36 Lot 2-1) into two parcels utilizing the municipal boundary line as the new property line. The portion of land located in East Kingston will remain at 20.72 acres with over 500 feet of road frontage on Deer Run and the remaining parcel located in Kingston shall remain at 8.73 acres.

The conditions set forth in this subdivision approval are as follows and shall be completed prior to the signing of the mylar:

1. A notation be added to Sheet 2 stating the full plan set is on file with the Town of East Kingston.
2. Bounds be set, certification of monumentation submitted and inspection of monumentation be completed by a town representative.
3. Provide a final plan for recording at the Registry of Deeds.
4. Payment of all professional review invoices.
5. Submit recording fees made payable to the Rockingham County Registry of Deeds (both mylar recording fee and LCHIP fee).

RSA 677:15 states: Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application.

Joshua Bath, Chair
East Kingston Planning Board

Date of Notice: March 21, 2023



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Joshua Bath, Chairman
Tim Allen, Vice Chair

COMMERCIAL DISTRICT – 14 POWWOW RIVER ROAD

CHANGE OF TENANCY APPROVAL

NOTICE OF DECISION

At their March 16, 2023 meeting, the East Kingston Planning Board **GRANTED CONDITIONAL APPROVAL** for a Change of Tenancy application for Elizabeth Carruth Fougere to operate, **The Artist's Garden**, a florist and artist retail shop, in the greenhouse located within the commercial district at 14 Powwow River Road.

Conditions of the business operations:

1. Business activity will include the sale of flowers, plants, décor and gifts.
2. Hours of operation shall be 10am to 7pm, Sunday through Saturday.
3. The business owner shall serve as the only employee.
4. No new exterior lighting is proposed other than solar lighting.
5. Trash disposal shall be the responsibility of the business; town services may not be utilized.
6. Any expansion of the approved use or material changes to the business operations will require review and approval by the Planning Board.

Joshua Bath, Chair
East Kingston Planning Board

March 21, 2023



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NOTICE OF DECISION

On May 18, 2023, the Planning Board heard the invisible home occupation application of **GEORGE WHITEMAN** to operate **G&J TRANSPORTATION, LLC**, a **PRODUCT TRANSPORTATION BUSINESS OFFICE** at **18 ROWELL ROAD, MBL# 10-17-02**. The Board hereby recommends the Board of Selectmen **NOT APPROVE** the invisible home occupation permit application for the following reasons:

1. The GVWR of the commercial tractor trailer is above what is allowed in the residential district per Article III-B.1 – Residential/Agricultural District (*The 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. Agricultural vehicles and equipment are excluded from this requirement.*)
2. The commercial operation of the trucking company is not allowed per Article III-B.2 – Residential/Agricultural District (*Business operations (wholesale or retail), operations of commercial equipment owned by the property owner and/or resident, operations of commercial equipment not owned by the resident (i.e., equipment operated for others), commercial or industrial operations, such as, but not limited to, trucking, hauling, excavation, mining, manufacturing, or any such similar operations are strictly prohibited within this district. Agricultural vehicles and equipment are excluded from this requirement.*)
3. The coming and going of a commercial vehicle from the property does not meet the requirements of Article XVI.A – Home Occupations for Invisible Home Occupations and will display activity outside the home. (*[A]n Invisible Home Occupation is one with no visible activity conducted outside the home.*)
4. The coming and going of a commercial vehicle and the operation of a commercial operation does not meet the requirements of Article XVI.G – Home Occupations, where an Invisible Home Occupation shall not have an impact on traffic, visual, or any other impacts on the neighborhood. (*Businesses whose owners can demonstrate that they do not create any traffic, visual, or other impacts on the neighborhood may be deemed by the Selectmen as being an “invisible business with a reduced permit fee. An invisible status does not relieve these businesses from compliance with the provisions of this and all other sections of the zoning ordinance.*)
5. The business does not meet the requirements of a Visible Home Occupation, nor an Invisible Home Occupation, the business conflicts with Article XVI.C – Home Occupations, Standards, E. Permitted uses, and the commercial operation is specifically listed in paragraph F. as “Uses not Permitted,” (*The following uses are not permitted as a Home Occupation: adult oriented business; fireworks storage, manufacture and sales; industrial and commercial manufacturing or activity; vehicle restoration and auto body shops; storage, handling or sales or regulated substances.*)

Joshua Bath, Chair
East Kingston Planning Board
May 25, 2023



PLANNING BOARD
EAST KINGSTON, NEW HAMPSHIRE

NOTICE OF DECISION

Case # 2023-06
CARTER FAMILY IRREVOCABLE TRUST
68 SOUTH ROAD - MBL# 13-02-01

On May 18, 2023, after a duly noticed public hearing, and pursuant to RSA 676:3, the East Kingston Planning Board, by unanimous vote, **APPROVED WITH CONDITIONS** the subdivision proposal of the Carter Family Irrevocable Trust (Grant Carter, Trustee) which was to subdivide a 51.69-acre parcel located at 68 South Road, MBL# 13-02-01, into two parcels with the newly created parcel measuring 2.88 acres, with the parent parcel to be reduced to 48.81 acres.

The conditions set forth in this subdivision approval are as follows and shall be completed prior to the signing of the mylar:

1. Wetland soil scientist stamp will be shown on Sheet 1 or 2;
2. Application fees, engineering and planner review fees, recording fees, and monumentation fees must all be paid in full;
3. A certification of monumentation will be submitted to the town; and
4. Monumentation to be witnessed by a town official.

RSA 677:15 states: Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application.

Joshua Bath, Chair
East Kingston Planning Board

Date of Notice: May 25, 2023



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Joshua Bath, Chairman
Tim Allen, Vice Chair

NOTICE OF DECISION

On June 15, 2023, the Planning Board heard the invisible home occupation application of **ALEXA COMERCI** to operate **THE QUINN AND COMPANY**, an **ONLINE RETAIL BUSINESS** from **10 SQUIRE WAY, MBL# 01-01-26**. The Board hereby recommends the Board of Selectmen **GRANT** an invisible home occupation permit based on the Planning Board's determination the proposed business will not present any visible activity outside of the home, nor create any traffic, visual, or other impacts on the neighborhood.

The scope of the business as proposed shall consist of:

1. One employee
2. No signage
3. No customer traffic
4. Up to two home deliveries of product per month
5. Up to four USPS pickups per week
6. The use of personal vehicles (no commercial vehicles)
7. Storage of shipping boxes, vinyl, wood, and acrylics on the premises

In the event the scope of the business changes and it becomes evident a business is being conducted from the premises, the applicant will be required to apply for a visible home occupation permit and undergo the full public hearing process as prescribed under Zoning Ordinance Article XVI – Home Occupations.

Joshua Bath, Chair
East Kingston Planning Board
June 16, 2023



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Joshua Bath, Chairman
Tim Allen, Vice Chair

NOTICE OF DECISION

On June 15, 2023, the Planning Board heard the invisible home occupation application of **JENNIFER SILVER** to operate the **CLOTHING-MAKING PORTION** of **HUM+BEE**, with a retail business location in Amesbury, MA and online from **27 JOSLIN ROAD, MBL# 17-01-12**. The Board hereby recommends the Board of Selectmen **GRANT** an invisible home occupation permit based on the Planning Board's determination the proposed business will not present any visible activity outside of the home, nor create any traffic, visual, or other impacts on the neighborhood.

The scope of the business as proposed shall consist of:

1. One employee (self)
2. No signage
3. No customer traffic
4. The use of personal vehicles (no commercial vehicles)

In the event the scope of the business changes and it becomes evident a business is being conducted from the premises, the applicant will be required to apply for a visible home occupation permit and undergo the full public hearing process as prescribed under Zoning Ordinance Article XVI – Home Occupations.

Joshua Bath, Chair
East Kingston Planning Board
June 16, 2023



PLANNING BOARD
EAST KINGSTON, NEW HAMPSHIRE

NOTICE OF DECISION

Case # 2023-10
CARTER FAMILY IRREVOCABLE TRUST
68 SOUTH ROAD - MBL# 13-02-01

On July 20, 2023, after a duly noticed public hearing, and pursuant to RSA 676:3, the East Kingston Planning Board, by unanimous vote, **APPROVED WITH CONDITIONS** the subdivision proposal of the Carter Family Irrevocable Trust (Grant Carter, Trustee) which was to subdivide a 51.69-acre parcel located at 68 South Road, MBL# 13-02-01, into two parcels with the newly created parcel measuring 2.86 acres, with the parent parcel to be reduced to 48.83 acres.*

The conditions set forth in this subdivision approval are as follows and shall be completed prior to the signing of the mylar:

1. Wetland soil scientist stamp will be shown on Sheet 1 or 2;
2. Application fees, engineering and planner review fees, recording fees, and monumentation fees must all be paid in full;
3. A certification of monumentation will be submitted to the town; and
4. Monumentation to be witnessed by a town official.

RSA 677:15 states: Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application.

Joshua Bath, Chair
East Kingston Planning Board

Date of Notice: June 20, 2023

*This approval supersedes the May 25, 2023 approval to subdivide the same lot.



PLANNING BOARD
EAST KINGSTON, NEW HAMPSHIRE

NOTICE OF DECISION

Case # 2023-08

STEVE MORRISON (Middleton Supply LLC)

1 MAIN STREET – EAST KINGSTON – NH – MBL# 09-07-01

After duly noticed public hearings, and pursuant to RSA 676:3, the East Kingston Planning Board, on October 19, 2023, by unanimous vote, **APPROVED WITH CONDITIONS** the site plan proposal of Steve Morrison (Middleton Supply LLC) to operate a grain/feed/hay/shavings wholesale and erosion control supply business utilizing the existing barn and a portion of land behind the barn at 1 Main Street, MBL# 09-07-01. As part of this approval the Board granted waivers from Site Plan Review Regulations Section VI.F (Post Construction Stormwater Management*), Section VI.J (Flood Hazard Areas), Section VI.L (Performance Bond), and Section VI.N (Fire Suppression Provisions as it relates to fire pond/cistern requirements).

The conditions set forth in this site plan approval are as follows and shall be completed and noted on the final plan prior to the signing and recording of the mylar:

1. A Fire Emergency Action Plan, as required under NH Fire Code Chapter 31, shall be submitted and approved by the Fire Chief.
2. An annual inspection of the business shall be conducted by the Fire Department for fire code compliance.
3. The set hours for tractor trailer deliveries shall be confined to 10:00am to 2:00pm so as not to impede daily rush hour traffic.
4. Only three (3) tractor trailer deliveries shall be permitted per week.
5. For traffic safety reasons, all tractor trailer units shall exit the business driveway turning left only onto Route 107 South towards Seabrook.
6. A Traffic Safety Plan depicting the truck traffic route in the event the business driveway is not accessible due to the parking of emergency personnel at the adjacent Fire Station shall be submitted and approved by the Police Chief.
7. The dimensions and location of the proposed business sign to be provided.
8. The clear detail of the pavement and gravel area to be shown on the plan.
9. Update the site plan to depict the plan scale of not less than 1" = 60' per East Kingston Site Plan Review Regulations Section IV.3. (Notation on plan not required.)
10. Payment of all professional review invoices to be deducted from escrow account with remaining funds released back to the applicant. (Notation on plan not required.)
11. Provide a final plan for recording at the Registry of Deeds. (Notation on plan not required.)
12. Submit payment for associated recording fees made payable to the Rockingham County Registry of Deeds. (Notation on plan not required.)
13. Any changes, or expansions to the scope, nature, or infrastructure of the business must be approved by the Planning Board.

Joshua Bath, Chair
East Kingston Planning Board

Date of Notice: October 20, 2023

*In lieu of the post construction stormwater management, the stormwater construction shall be inspected and approved by the Town Engineer prior to the operation of the business.

RSA 677:15 states: Any persons aggrieved by any decision of the planning board concerning a site plan or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application.



PLANNING BOARD
EAST KINGSTON, NEW HAMPSHIRE

NOTICE OF DECISION

**NANCY AGUSTONI
3 CASEY ROAD & 5 CASEY ROAD
EAST KINGSTON, NH 03827
MBL# 02-06-03 & MBL# 02-06-04**

On November 16, 2023, after a duly-noticed public meeting, and pursuant to RSA 674:39-a, the East Kingston Planning Board, by unanimous vote, approved with conditions the Voluntary Lot Merger application of Nancy Agustoni, in which the applicant requested to merge together, as one single lot, two parcels identified as Tax Map Block and Lot number 02-06-03 consisting of .10 acre located at 3 Casey Road and Tax Map Block and Lot number 02-06-04 consisting of .36 acre located at 5 Casey Road.

The conditions set forth in this approval are as follows:

- The mortgage holder (Wells Fargo) for 5 Casey Road shall provide a letter consenting to the merger. There is no mortgage on 3 Casey Road.
- The new lot as merged is still considered a non-conforming lot and would require variances for any future development that would not meet town setbacks and/or lot requirements. The lot merger only enhances the larger lot (5 Casey Road) and does not make the newly merged lot any more developable.
- The merger does not affect any existing rights-of-way as described in the 3 Casey Road deed (B5277 P0474) as is recorded at the Rockingham County Registry of Deeds.
- The new lot as merged shall be assigned the address of 5 Casey Road and assigned the Tax Map Block and Lot number 02-06-04.

RSA 677:15 states: Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable, in whole or in part, and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the date upon which the board voted to approve or disapprove the application.

Josh Bath, Chair
East Kingston Planning Board

Date of Notice: November 17, 2023