



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2011-2012
Peter Gilligan, Chairman
Ed Warren, Vice Chairman

MINUTES
Regular Meeting 16 June 2011
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval** - May minutes
- ◆ **Public Hearing** –Home Occupation as a Personal Trainer for Joseph and Amanda Ortiz, 84 Sanborn Road (MBL 07-03-29)
- ◆ **Public Hearing** – Lot Line Adjustment for Anthony Moulton/Diane Amero, 6 Pine Woods (MBL 12-03-21 and 12-03-05)
- ◆ **Review and Discussion** - updates to the site plan review regulations
- ◆ **Review and Discussion** - updates to the telecommunications ordinance
- ◆ **Board Business**

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:03 pm.

ROLL CALL: Mrs. White called the roll.

Members: Mr. P. Gilligan, Dr. R. Marston. Ex-officio Mr. M . Cook. Mr. E. Warren was absent.

Alternates: Mr. J. Cacciatore.

Advisors: Rockingham Planning Commission Planner Ms. Julie LaBranche and East Kingston Conservation Commission Chairman Dennis Quintal.

Also Present: Mr. & Mrs. Ortiz, applicants; Mr. & Mrs. Moulton, applicants, Mr. Moulton's representative Thomas Brouillette; and abutters Frances Cronin, Robert Nigrello, Charles Fowler, and Clint Furnald.

Board Business

As Planning Board Chairman Ron Morales had resigned, Vice Chairman Peter Gilligan chaired this meeting. Mr. Gilligan appointed Mr. Cacciatore a voting member for these public hearings.

Minutes - Approval of the May 19 minutes.

MOTION: Dr. Marston **MOVED** to approve the May 19th minutes as presented. Mr. Cacciatore seconded; the motion passed unanimously.

Public Hearing for Joseph and Amanda Ortiz, 84 Sanborn Road (MBL 07-03-29) for a Home Occupation as a Personal Trainer.

Mr. Gilligan opened the public hearing. Mrs. White read the standards of the home occupation regulations.

Mr. Gilligan invited Mr. Ortiz to the front to clarify to the Board the services he wanted to provide as a home occupation.

Mr. Ortiz explained he wanted to provide personal training to clients. He would provide this service in his basement where he had exercise equipment set up and would accommodate one client at a time. He asked for the working hours of 8am to 8pm, Monday through Friday. Mr. Ortiz would be the only employee. He did not wish to have a sign.

Mr. Ortiz had not specified the square footage of the area, so the Board asked him to point out on the plans where in the basement he would provide this service. It was indicated to be an area within the 25% of the total gross floor area allowed. This portion of the basement was the original existing one car garage and did have an egress to the outside through the new two-car garage.

The Board suggested to Mr. Ortiz he change the hours of operation to 7:00 am to 9:00 pm, Monday through Sunday to allow for any anticipated expansion of his home occupation and eliminate the need for Mr. Ortiz to come back before the Board for a change. Mr. Ortiz agreed it would be a good idea to change the hours.

The Board noted that under paragraph E.11 of the Home Occupation Ordinance, this home occupation was suitable. They discussed the following conditions for this home occupation:

1. Compliance with all standards listed under Article XVI, Paragraph C - Home Occupation Standards.
2. Hours of operation shall be 7:00 am - 9:00 pm Monday through Sunday.
3. One client at a time shall be accommodated.
4. No sign will be allowed as it qualifies as an invisible business.
5. Any change in the nature of the business, its scope, or number of employees shall be reviewed by the Planning Board for approval by the Board of Selectmen.
6. All outstanding or future fees and charges due the Town and administrative costs incurred by the Town will be fully discharged.

Mr. Gilligan opened the floor to abutters.

Mr. Francis Cronin, 94 Sanborn Road, indicated he had no objections to Mr. Ortiz providing this service from his home.

There were no other abutters; Mr. Gilligan closed the floor.

Mr. Gilligan asked for a motion.

MOTION: Mr. Cacciatore **MOVED** to send a letter of recommendation with the above stipulations for Mr. Ortiz's home occupation as Personal Trainer to the Selectmen. Dr. Marston seconded. The motion passed unanimously.

Mrs. White informed Mr. Ortiz he would receive a copy of the letter of recommendation, and the Selectmen's Office would call him and let him know if he had been approved. The next Selectmen's Meeting would be on Monday, June 27. Mrs. White will also send Mr. Ortiz the Home Occupation regulations section from the ordinance book.

Mr. Gilligan closed the public hearing. Mr. Ortiz thanked the Board for their time.

Lot Line Adjustment for Anthony Moulton/Diane Amero, 6 Pine Woods Road (MBL 12-03-21 and 12-03-05) (PB11-01)

Mr. Gilligan opened this public hearing and invited Mr. Moulton to explain why he wanted the lot line adjustment. Mr. Moulton's representative, Surveyor Tom Brouillette spoke to the Board.

Mr. Moulton's desire for changing the lot lines between the two properties was two-fold. It would give him a sizable backyard for the lot where he lives (6 Pine Woods) and would also make the other lot (19 Stagecoach) slightly more than the required 2 acres for a house lot. Both lots already have houses on them, but the house on Stagecoach Road is in sore need of repair. Mr. Moulton's intent will be to most likely tear down the existing

house on Stagecoach and build a new one. This lot line adjustment would enhance both properties thereby generating more tax dollars for the Town.

The irregular lot line configuration was the best design to allow the Stagecoach property to have the required 2 acres. There is also an existing small pond and duck pen on the Pine Woods lot that the submitted configuration will circumvent so it will not need to be moved. This was also the reason for the lot line less than 125'.

It was ascertained the plan was lacking some items that needed to be included:

- topographical information
- wetlands identified
- 3/4 acre contiguous upland shown

Also, Section VII of the Subdivision Regulations states: "*that at no point shall any lot be narrower than 125'*". The proposed plan shows 68.10 feet and there is no waiver request submitted. Mr. Moulton will need to submit a waiver request for the reduced lot line.

Mr. Moulton and Mr. Brouillette noted that the area of the properties was upland, which would meet the requirements of the 3/4 acre upland.

Mr. Gilligan opened the floor to abutters.

Mr. Robert Nigrello, 2 Pine Woods; Mr. Charles Fowler, 9 Pine Woods; and Mr. Clint Furnald, 19 Stagecoach Road, all attested to the fact that the property was upland.

There were no other abutters; Mr. Gilligan closed the floor.

Ms. LaBranche noted that the Board was to make their decision on the information provided on the plan, so the topographical information was necessary to be included. There was Board discussion on how detailed that information would need to be. The consensus was since both lots were existing lots with houses, an extremely detailed topographical plan would not be necessary, but any notation would need to be tied to some official data source such as a USGS map, for example, to give indication of the elevations on the properties. Once the elevations were established, it would show there was the required 3/4 of an acre of upland. Also any wetlands would need to be identified, as there was an area at the rear corner of the property that was in question.

Mr. Brouillette will update the plan to include the discussed items, and submit a waiver request. He will work with Ms. LaBranche to make sure he has everything the Board needs.

Mr. Gilligan polled Board members to ascertain if they would be available to meet in two weeks for a continued public hearing. All members in attendance noted they would be available on that date and agreed to hold an additional meeting in two weeks (on June 30th) to continue this application for lot line adjustment. Unless otherwise contacted, this meeting will occur at 7:00 pm at the Pound School. Mrs. White will make sure everyone is contacted if the meeting needs to be held in another place.

Mr. Gilligan asked for a motion.

MOTION: Mr. Cacciatore **MOVED** to continue this public hearing on the Moulton lot line adjustment to June 30 at 7:00 pm at the Pound School. Dr. Marston seconded. The motion passed unanimously.

Mr. Moulton and Mr. Brouillette thanked the Board for their time.

Mr. Gilligan closed this public hearing.

Election of Officers

Mr. Morales has resigned as Chairman, so it was necessary for the Board to elect new officers.

MOTION: Mr. Cacciatore **MOVED** to elect Peter Gilligan as Chairman of the Planning Board; Dr. Marston seconded. The motion passed unanimously.

MOTION: Mr. Gilligan **MOVED** to elect Ed Warren as Vice Chairman of the Planning Board; Mr. Cacciatore seconded. The motion passed unanimously.

Mrs. White will inform the Selectmen of the results of the election; the new officers will need to go to the Selectmen's Office to sign their new appointments.

The Board also asked Mr. Cacciatore if he was interested in serving as a regular Planning Board member; he indicated he was.

MOTION: Dr. Marston **MOVED** to recommend to the Selectmen that Joe Cacciatore be changed from an alternate member to a regular member of the Planning Board; Mr. Cook seconded. The motion passed unanimously.

Mrs. White will prepare a letter to the Selectmen recommending the change in membership designation for Mr. Cacciatore.

Updates to Site Plan Regulations

Mr. Gilligan turned over this portion of the meeting to Ms. LaBranche.

Mrs. White had distributed copies of the *Erosion and Sedimentation Control Standards* and *Post-Construction Stormwater Management Controls* portions of the Site Plan regulations, updated from the May meeting.

Section VI, Paragraph E. - ***Erosion and Sedimentation***, was divided into two sections consisting of *Stormwater Management* and *Erosion and Sedimentation Control*. Ms. LaBranche focused mainly on the Stormwater Management section with the Board for this discussion and reviewed the bolded sections.

Ms. LaBranche emphasized why it was important it was to have these controls in place before the new water quality regulations were put in effect so the Town would be in compliance. This was especially significant as roughly half of the Town was in the coastal watershed (Great Bay). Mr. Cacciatore noted that the other half of Town flows to the Merrimac River. Regulating development will help with the control of nitrogen going into the coastal watershed. Nitrates include agricultural waste, lawn fertilizer, septic systems, and atmospheric deposition to impervious surfaces.

Mr. Quintal suggested making *Erosion and Sedimentation Control* part of the *Post-Construction Stormwater Management Controls* instead of a separate section, as there could also be both temporary and long-term standards to take into consideration.

Mr. Quintal noted that if someone came to the Town with a site plan, they would need to go to the Planning Board for review. If they were adding an addition which did not require a site plan, they would go to the Building Inspector. Would the Building Inspector be responsible for ensuring applicants comply with these standards? Mr. Quintal asked what the threshold was for someone to come back to the Planning Board for expansion of a commercial property? Ms. LaBranche will make some suggestions as the minimum triggers.

Ms. LaBranche suggested the Board review this section further and will send the revised version to Mrs. White for distribution either before or at the July meeting for review. Both Ms. LaBranche and Mr. Quintal suggested sending the final revisions to Jay Stephens, Town Engineer, for review before scheduling the public hearing on the changes. As this is a regulation and not an ordinance, only a public hearing will be necessary; it will not need to go before the voters.

Pheasant Run Wetland Study Area

Mr. Quintal reported a Spring Wetland Buffer Workshop was held April 30, 2011 at 10 AM at the Pheasant Run Wetland Study Area on Pheasant Lane, a Town-owned property. Julie LaBranche made a presentation about the watershed and the importance of protecting the quality of Great Bay by protecting wetland tributaries and the associated uplands in close proximity to these tributaries called wetland buffer zones.

Patrick Seekamp, an Environmental Scientist, lead the group through the property identifying plants and wildlife, describing the habitat and important features that make this woodland a valuable resource for stormwater runoff treatment. Three members of the EK Conservation Commission were present, as well as six Town citizens, and the EK Planning Board Secretary. Although not a large turnout, the Conservation Commission considered this a successful event and may do again in the future.

Mr. Quintal presented a letter from the Conservation Commission to Ms. LaBranche thanking her for her hard work and contribution in making the workshop a success.

Video Recording of Meetings

Mr. Cook noted that the Selectmen are going to begin recording their meetings and offered the option to the Planning Board, should they care to do so. There would be no cost to the Planning Board as the fee covers more time than the Selectmen will utilize. The set-up would be simple with a camera, tripod and laptop computer. The Board will discuss this option available to them.

Telecommunications Ordinance Review

This review was tabled to July or August. When this update is completed with the new laws included, there will be two public hearings conducted as per the official RPC calendar. Then it will be ready for placement on the warrant in 2012.

Meeting in 2 Weeks

Mrs. White reminded the Board members they had the continued lot line adjustment for the Moulton's on June 30th. She will call the members and remind them as it is not a regular meeting night.

Next Month's Agenda

Complete the review of the site plan review regulations and start on the telecommunications ordinance. There are no applications at this time, but the deadline is July 5.

ADJOURNMENT

MOTION: Dr. Marston **MOVED** the Planning Board adjourn; Mr. Cacciatore seconded.

Mr. Gilligan closed the meeting at 9:10 pm.

Respectfully submitted,

Barbara White

Barbara A. White
Recording Secretary

Peter Gilligan
Chairman

Minutes approved _____