

February 20, 1992

Members in attendance: Richard Smith, Sr., Chairman; Catherine George, Raymond Donald, and Melv'in Keddy

Others in attendance: Sarah Campbell, RPC; Larry Smith, Conservation Commission, Fire Chief David Conti, Deputy Fire Chief James Davis

The meeting was opened at 7:38pm.

Mr. Smith recognized Attorney Charles Tucker, representing Arthur Kokaras. He stated that he received a letter from the Planning Board of South Hampton requesting the East Kingston Planning Board attend their meeting to deal with this subdivision on Thursday, February 27, 1992.

Attorney Tucker said that Mr. Kokaras was to attend this evening and requested a short delay in discussion of this matter until he arrives. This request was honored.

Correspondence Mr. Smith reviewed correspondence received as follows:

South Hampton Planning Board letter re: Kokaras  
Rockingham County Conservation District replacement: Edwin L.  
Minnick, Berwick, ME.  
Hazardous Waste Management Report by: Sarah Campbell

Dan Bodwell-Septic-Sludge Ordinance Mr. Donald noted that the comments received from Mr. Bodwell were received too late for Town Meeting. He said he has reviewed and agree with some and disagrees with some of the suggestions. The Selectmen feel something should be done after Town Meeting, possibly have a Public Hearing on Mr. Bodwell's recommendations and if the Board agrees, the ordinance would be effective until the next Town Meeting.

Kokaras, Arthur-Subdivision in South Hampton Attorney Tucker stated that Mr. Kokaras has placed a note on the plan as requested by the Board at the last meeting.

Mr. Donald asked if the construction vehicles would be going over Clements Lane, which is wholly in East Kingston.

Attorney Tucker stated that Lot 4 is accessible from South Hampton and the other two are only accessible from Clements Lane.

Mr. Donald stated his concern that the Town has just completed putting in a new surface and now there would be obvious increase in heavy traffic. He noted his concern that the lots served are not in East Kingston and there would be no recourse if damage is done.

Attorney Tucker said that as agreed, the driveway permits were to come from East Kingston.

Mr. Donald said that damages would occur after the driveway permits were issued.

Attorney Tucker said Mr. Kokaras would be willing to post a bond when obtaining driveway permits. He also said that the building was not intended for some time to come as these potential building lots were intended to finance college education for Mr. Kokaras children. The oldest child is now ten.

Mr. Donald noted that the Board must deal with the conditions of today.

Attorney Tucker agreed with the perception and noted that South Hampton will not sign without the signature of East Kingston Planning Board.

Mr. Donald suggested a condition that prior to issuing a building permit, a bond will be posted for the protection of the street.

Attorney Tucker agreed that this condition would be placed on the plan.

Mr. Smith noted that he warned last year that this problem would surface. He then asked which driveway permits must be obtained from East Kingston and will require the posting of a bond against damage to Clements Lane by construction vehicles/activities.

There was then discussion about the duration of bonding.

Ms. Campbell stated that actual wording could be worked out at the time of bonding.

Attorney Tucker asked the Board to authorize the Chairman to sign after the South Hampton meeting on February 27, 1992. He noted the reason for this and the timeframe of the South Hampton and East Kingston Board meetings.

Mr. Donald noted that there doesn't seem to be a problem with the Chairman signing.

Attorney Tucker noted that South Hampton wants to know that the East Kingston Board is happy.

Mr. Donald motioned to give tentative approval conditional on adding the additional note: that prior to issuing a building permit, a bond will be posted for the protection of the street.

Mr. Keddy came at this time: 8:03pm.

Ms. George second.

The motion carried 3 yes, 1 abstain (Mr. Keddy).

Laurie Carbone-Home Occupation Application The Board opened the Public Hearing for Mrs. Carbone.

Two abutters were present: Mr. & Mrs. Lawrence Caron and Ms. Rita Clark.

Mrs. Carbone explained that she wanted to take an existing shed and make it into a seasonal craft shop. She located that property on Route 108, across the street from MSK Lumber. She is the owner of the property.

Mrs. Carbone described the building as being 60 ft. off the road and her house is closer to the road. The shed is on the side of the house. She said she would put on new siding, a new roof and one sign. She noted there would be nothing on the building.

Mrs. Carbone described her intent to have some consignment articles and her own crafts, knitted goods, wood items, and some antiques for display. This would be a seasonally operated business. She anticipated operations to run from September through January and would be open weekends and extending to other days during the Christmas season. She said her target is for the holidays. She said parking would be done in her driveway.

Mr. Keddy asked how far from 108 the driveway extends.

Mr. Carbone estimated the driveway to be about 110 ft. long.

Mrs. Carbone stated the hours of operations would be 9am to 4pm on Saturdays and Sundays. She would extend this time from November to January.

Mr. Donald asked if there would be other employees, other than family members.

Mrs. Carbone stated no other employees.

Mrs. Caron, a butter, stated that she shares a common driveway with the Carbone and she sees this use as a potential problem for her and her husband. She said the property line is in the middle of the driveway.

Mrs. Carbone stated there are two driveways.

Mrs. Caron feels there will be a problem with the business.

Mrs. Carbone stated the driveway is only common at the State right of way. She said one goes right and one goes left, with her driveway going to the left.

Mr. Smith asked how wide the driveway is allowed from the State.

Mrs. Carbone did not know, she said she has a State driveway permit.

Mr. Keddy asked if the Carbone driveway was "L" shaped.

Mrs. Carbone said it was and that she feels she should have access to her property the same as the Carons do. She noted that her driveway is hottopped.

Mr. Caron noted that the Carbone's would go to the back of their house when viewing it from the Caron property.

Mrs. Caron said the stone bound is missing at the end of the driveway.

Mr. Donald asked how far from the shed to the split in the driveway.

Mrs. Carbone estimated it to be 200 ft. minimum.

Mrs. Clark, a butter, stated that she has no objection and explained the area to be utilized as being away from the driveway.

Mr. Keddy motioned to recommend approval to the Board of Selectmen.

Ms. George second.

The motion passed 4-0.

Mr. Donald warned that this is not an approval until it is approved by the Board of Selectmen.

Scapicchio/Pica Mr. Donald stated that Andrews Lane has been discussed by the Selectmen concerning the possibility of heavy vehicles traversing during construction. He noted they will consider bonding for protection. He also said that there is a possibility that the entrance from Route 107 could be used.

Mr. Donald made the Board aware there are outstanding engineering fees which need to be taken into consideration prior to moving on.

Ms. Campbell asked if Mr. Donald was referring to construction vehicles.

Mr. Donald answered yes.

Ms. Campbell asked Fire Chief Conti about the conditions he requested.

Chief Conti noted if they come in on Route 107 first that they tie into the Colanton Pond and the condition should state there be no building permits issued, not occupancy permits.

Mr. Keddy stated he was wondering about a scenario developing whereby the pond is no longer available to the development.

Chief Conti stated that the pond would be a focal point to protect all property, including the golf course. He noted the Smith development is prefaced by cisterns tied with the building permits.

Chief Conti noted that the Smith plans call for Building Permits 1-4 contingent on the first cistern; Permits 5-9 contingent on the second cistern.

Ms. Campbell requested a copy of the plan which contains the wording for the installation of the cisterns.

Chief Conti stated that he will get a copy of the signed plan to this effect.

An abutter to the Scapicchio property noted his frustration with coming to meetings and not having the developer show up.

Mr. Donald stated he appreciates the concerns, the Board had expected Mr. Pica to show up. He addressed the concerns with granting of extensions. Mr. Donald stated that the grants were also for the benefit of the Board and when the Board disapproves a development, it must be with cause.

An abutter asked how many 90 day extensions can be granted.

Ms. Campbell stated as many as needed. She further explained the 90 day request for extension to protect the applicant.

Mr. Donald stated that most of the time the applicant has responded to the scheduled meetings.

An abutter inquired as to when Andrews Lane is going to be fixed as required by the Master Plan.

Mr. Donald reminded the abutters present that bonding was lacking. He further explained that the Town began with Willow Road because of matching funds being available. He said it is most likely that Andrews Lane will be next, however, the Selectmen will be weighing the use of it for construction vehicles.

Deputy Building Inspector David Boudreau arrived at 9:03pm.

Mr. Donald noted safety concerns with Andrews Lane and said in time the Town will fix Andrews Lane and if damaged by the developer appropriate steps would have to be taken.

Tim Bodwell's Driveway The Board discussed the status of Tim Bodwell's driveway. It was noted that the signing of the plan is awaiting the installation of the fire pond.

Ed Smith Subdivision Mr. Richard Smith reminded Deputy Building Inspector Boudreau that impact fees in the amount of \$1500 per lot are to be collected.

Cluster Developments Deputy Building Inspector Boudreau asked if the Board has clear statements for the separation of buildings on cluster developments such as that at the FMR development.

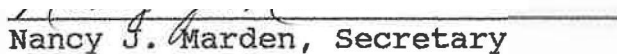
There was some discussion and the ordinance was read.

Mr. Donald asked Mr. Boudreau to check out the distances where he has a problem. He suggested they allow no more encroachment at this development.

Mr. Donald asked Fire Chief Conti to give the Selectmen his interpretation of "building".

The meeting was adjourned at 9:33pm.

Respectfully submitted,

  
Nancy J. Marden, Secretary

Typed: Feb. 24, 1992