

February 28, 1994

East Kingston Planning Board

Attending: Chairman Richard Smith; Catherine George, Joseph Cacciatore, Melvin Keddy (7:45), Dr. Robert Marston (7:50pm), Amanda Rossi (7:40) Alternate.

Others Attending: David C. Boudreau, Jr., Building Inspector

This meeting opened at: 7:33pm.

James Bioteau Mr. Bioteau is seeking a one lot subdivision on Giles Road. He has 410 ft. frontage. He has 12 ft. on either side of his driveway to access over a culvert (20 ft.) He explained that he has 40 ft. for an entrance. His proposed subdivision lot has a small pond on it. There is 200 ft. frontage available for each lot. He wishes to keep ten acres for Current Use.

Mr. Boudreau stated that he will require a variance for the common driveway.

Boca Code -93 Public Hearing The Public Hearing on adoption of the 1993 version of the BOCA Code opened at 7:45pm.

Mr. Smith read the Posting for the Public Hearing.

Mr. Boudreau gave a brief overview of the change from the 1990 to the 1993 BOCA. He went through a list of changes, most of which concern safety issues.

Mrs. George motioned to recommend approval to the Selectmen.

Mr. Keddy second.

The motion passed 5-0 to recommend the Selectmen implement the adoption of use of the 1993 BOCA Codes.

Dr. Scappichio Dr. Scappichio gave Mr. Smith a letter drafted and signed by Ronald Pica requesting an extension. Dr. Scappichio explained that he wishes to be passive and therefore, requires an extension of the conditional approval. The economy was cited as a motivation for the request.

Mr. Smith asked if there were any results in bids from contractors.

Dr. Scappichio stated he did an analysis in the fall of 1992 when realtors, excavators, etc. put together a package in the fall of 1992. The realtors felt that the project, of this size was not economically feasible. They suggested he obtain an extension. He stated he is going back again to do the same assessment.

Mr. Smith asked if he has any idea when he will start the project.

Dr. Scappichio indicated he did not know.

Mr. Pica is going to work out a bonding schedule which will go hand in hand of the work schedule.

Mr. Keddy asked if there is a ball park figure in mind when starting the digging.

Dr. Scappichio said he is not sure. He indicated that he is happy with prospects and the completion of other projects in this area.

The permits are in place, he has a well and it is tested. Prescott Pump of Exeter stated they have a good well.

Mr. Cacciatore asked if this was the first extension. It was indicated it was.

Dr. Scappichio stated that he was granted conditional approval for 18 months, April 15th will complete the timing for the extension.

Mrs. George asked if the well went in after the conditional approval.

Dr. Scappichio stated the well was in place before the conditional approval.

Mr. Smith gave Dr. Scappichio a statement showing an outstanding balance since November 1992.

Mr. Cacciatore stated he was approached by the IRS who indicated outstanding taxes would hold up this project.

Dr. Scappichio stated this was not true, the outstanding debt is from Mr. Mills from not withholding taxes. The IRS agreed that outstanding amount was \$26,000 and Dr. Scappichio has sent a check for this amount and has not heard any other word until he called the IRS and they stated they would not accept. He indicated this would not affect the project at all, if the IRS sent a bill, he would pay it. He is not sending another check to IRS, he is awaiting the requested accounting.

Mr. Keddy asked if Dr. Scappichio has any idea of how much time he would need.

Dr. Scappichio stated the he wants one more year. He cited three months would be procrastinating, six months puts me into the winter season and if not favorable, it would be the same season in 1995. He noted he is trying to make a sound business decision.

Mr. Cacciatore asked what would happen if the information he gets is not favorable.

Dr. Scappichio stated he would go ahead if not favorable; probably; but he was really not sure. He stated the realtors input is essential.

Mr. Cacciatore was not sure the Board should be waiting on the market.

Mrs. Rossi-Lashoones asked if he were waiting for the bond to be straightened out.

Dr. Scappichio said he is waiting for a bonding schedule.

The Board then reviewed the articles that are outstanding.

Mr. Keddy motioned to grant a six month extension noting that he should know in this time frame how the project will progress.

Mr. Cacciatore stated he understands Dr. Scappichio is waiting for the market.

Mr. Smith stated the Town was in a trend, but they are now coming out of the trend.

Dr. Scappichio wants to be more comfortable, time is potential benefit and it doesn't hurt the project and it can't hurt the town.

Mr. Keddy asked if the Feds increase in rates were going to hurt.

Dr. Scappichio stated that the money will be available at 3% for first time buyers.

Mrs. George then seconded the motion.

Mr. Cacciatore stated that 18 months was plenty of time.

The motion then carried 4-0; Mr. Cacciatore dissenting.

The six months extension as requested is granted.

Mr. Smith noted that at the end of six months, Dr. Scappich'io can come back for another one.

A copy of Mr. Pica's letter will be included with these minutes.

KV Partnership - William Krooss & Mike Rafferty Mr. Krooss noted that the economy has been bad for his project. He feels the Town likes his project and he has 52 approved lots in East Kingston. He has donated two lots to the Conservation Commission. Lot #18 has been deeded, and the second lot still is to be deeded. The second lot has the largest sugar maple tree in the State. He stated there are still 12 lots unsold.

Mr. Rafferty stated he is proposing no pavement on the cul de sac interior circle. He noted minor changes in Deer Run elevation. Evergreen & Blue Heron have the same engineering.

The changes will have no effect on the lots, just changing the pavement. This will result in cost reduction and less maintenance. The culvert was to be extended on Evergreen and one will be placed on Deer Run. They expect to finish when the weather breaks; there is concern with the frost. They will let it settle and roll with the vibratory roller. The project will use a new product, asphalt stabilized base.

Mr. Keddy asked about the Association Bylaws and stated that there is a difference between Kingston and East Kingston (no associations, covenants).

Mr. Keddy stated that Kingston residents had its separate meeting to discuss the problems with skimmers. He said he went to some of these meetings which were informal.

Mr. Keddy addressed the covenants which seem to go against the Town Ordinances, i.e. no pets and asked for the procedure for changes.

Mr. Krooss stated the covenants allow pets, but the size of the animal was regulated to the size of the lot. He stated the mortgage holders would have to be involved with any covenant changes and indicated this would be very involved and difficult.

Dr. Marston stated that if the Board was aware of these covenants they wouldn't have passed this subdivision.

Mr. Cacciatore motioned to approve the suggested changes noted.

Mrs. George second.

The motion passed 5-0.

Incoming Correspondence: Conference for Planning Boards.

Discussion on School Population The discussion regarded building moratoriums.

Mr. Keddy asked if it were to late to place a moratorium on building permits.

For this year it is too late.

Mr. Cacciatore stated that once committed to a moratorium, you are locked into a five year timeframe to address the problem and make a solution plan and implement it.

Mr. Keddy suggested the Board think about doing it next year.

There are 13 building permits from now to April 01. Mr. Boudreau feels that 6-7 more will be issued prior to April 01.

Mr. Cacciatore doesn't want to use the schools as the motivation to control permits.

Mr. Smith suggested the use of portable buildings rather than permanent ones as the school population fluctuates historically.

Mr. Cacciatore feels the population is on an upswing.

The Review of pg. 4 of the Zoning Ordinance, Article VIII, E. Expiration to be done.

The meeting was adjourned at 9:15pm.

Respectfully submitted,

Nancy J. Marden, Administrative Assistant

Typed: March 3, 1994