

April 18, 1990

Members present: William DiProfio, Selectman; Kathy George, Mel Keddy, and Robert Marston (late arrival).

Others: Sarah Campbell, Rockingham Planning Commission, Larry Smith, Conservation Commission

Mr. DiProfio called the meeting to order at 7:40pm.

MINUTES Mrs. George motioned to accept the minutes of March 21, 1990 as printed.

Mr. Keddy second.

The motion passed 3-0.

EAST KINGSTON ELEMENTARY SCHOOL MYLAR & LETTER FROM MR. DINGMAN, ENGINEER Mr. DiProfio read a letter from Vernon Dingman, Engineer at the Elementary School and received the mylar for signing. Mr. Dingman noted that he has added Note 9 regarding the chain link fencing.

Mrs. Kaste will record the mylar with the Registry and send a paper copy to the School Board.

Mr. DiProfio noted that the three conditions outlined in the minutes were filed:

1. Conservation Commission's approval of the drainage calculations.
2. Safety provisions for the retention pond.
3. Acceptable review of the fire plan by an independent consultant.

ROBERT MILLS Mr. DiProfio recognized Ronald Pica, Engineer who represents Mr. Robert Mills. Mr. Mills wishes to develop his land accessed from Andrews Lane.

Dr. Marston arrived at this time (7:45pm).

Mr. Pica recapped the proposal by Mr. Mills to begin a cluster development off Andrews Lane. He noted the Planning Board's concern with the Ordinance written to limit the road lengths of 1000 ft. and the proposal's addition of an additional 1000 ft. to the cul-de-sac. He stated there are already 17 houses on Andrews Lane and the Planning Board decided they would not allow the project to proceed.

Mr. Pica stated the parcel contains 45 acres; 25 acres of good soils. The remaining acreage is made up of poorly drained (majority) and very poorly drained soils. There are some slopes. There is no plan to build on the sloped areas, possibly the wells would be located in this area.

Mr. Pica said the reason to address the Board this evening was to consider some of the Planning Board's preferences and apprise the Board of the owner's efforts to attach an abutting parcel and construct a road through to Route 107. He showed the Board a preliminary drawing of the access area to South Road. The topo showed a 60 ft. ROW and showed the large retaining walls and the poor drainage. Mr. Pica noted the large cost to construct this road to Route 107. He stated that his client did not feel this was a viable alternative at this time. He noted the owner has made an effort to search out the land to please the Board and therefore have a loop road. His client has spent money to get to this point.

Mr. Pica reintroduced the original set of plans and noted this is the same project and asked the Board to give it some consideration since the owner has exhausted the ways to achieve the Board's wishes in other ways.

Mr. Mills stated that he has talked with the Fire Chief and indicated that a fire pond on the property at Andrews Lane and a contribution for the renovation of Andrews Lane would be indicative of his pursuit of a proposed Cluster development. Mr. Mills feels if the Board disallows it's use for Clustering, this 45 acres becomes one lot and does not feel this would be a reasonable use of this land. The sale of this as one lot makes it difficult. With one lot this would be a private road or a town road which would be the Planning Board's preference. There is not other solution but to use Andrews Lane as a private driveway or as a town road.

Mr. Pica stated they decided to address the Board this evening to explain the situation to the Board and get input. He stressed that the Secretary had explained the Board would not give any input this evening.

Mr. DiProfio stated that Mr. Mills has not made an application and whatever the Board says is non-binding.

Mr. Pica stated that he understands this, and that the Secretary had made it very clear to them.

Mr. DiProfio emphasized there is no 90-day clock running and nothing is binding.

Mr. Pica said that Mr. Mills understands there is no 90-day clock and is there for discussion purposes only.

Mr. DiProfio asked if Mr. Mills has the land, why he does not put in the road.

Mr. Pica said it would require lots of fill and there would be large retaining walls. The entrance of the new road would be down from the Driving Range entry on Route 107. He stated there is 400 ft. site distance at each end of the entrance.

Mr. Pica said the retaining wall would be 10 ft. concrete, and would require a lot of steel reinforcements.

Mr. DiProfio asked if the walls would be over or under the road grade.

Mr. Pica answered both. It would require 14 ft. in depth with the footings. Because of the closeness to the property lines the filling would be great and the slopes steep. Great compaction would be required and there was a good chance of problems with it as there was not much land to work with on the sides because of the abutting land. Mr. Pica stated he did not think this was the best type of road for the town.

Mr. Pica wondered about the problems with plowing, especially with wings on the trucks. He said it would probably not be a problem for East Kingston.

Mr. Mills stated he talked with the Fire Chief and he does not want a house more than 1200 ft. from water. He stated that he is willing to put a pond on this end of Andrews Lane. He noted Andrews Lane is currently a 30 ft. ROW and has 24 ft. of hot top. He stated that he will contribute to upgrade and provide for fire safety for his Cluster as well as the homes in existence by the installation of a fire pond close to the current end of Andrews Lane where the newly proposed road would be constructed.

Mr. Pica stated safety factors would be enhanced as the current turn-around is not adequate for the fire trucks. He stated the new cul-de-sac would improve fire safety.

Mr. Mills stated that this is not a safety matter and he has talked with the Fire Chief.

Mr. DiProfio noted that the Cluster has grown from 15 to 18 homes.

Mr. Pica stated they have made the homes smaller and eliminated the garages thus enabling a closer proximity of homes.

Mr. Pica asked if East Kingston used High Intensity.

Mr. DiProfio answered yes, it has been used for several years.

Dr. Marston left for an emergency at this time (8:08pm).

Mr. Pica stated that he will go through the new soils calculations.

Mr. Lamy Smith stated that the new formula would make the calculations clearer.

Mr. Pica stated if they have fewer units, there would be less road length.

Mr. Pica noted that Mr. Mills would like to use the land and not be penalized because of the length of the existing Andrews Lane.

Mr. DiProfio stated he did not think this was a sound reason to go against the Zoning Ordinance.

Mr. DiProfio stated if they get a variance from the ZBA, there would be little use in having an Ordinance.

Mr. Pica stated that because of the Zoning Ordinance it becomes a hardship case.

Mr. DiProfio and Mr. Keddy stated that makes a ZBA case.

Mr. DiProfio stated that going out to Route 107 would be a reason to see the ZBA. He stated that there may be other reasons to go.

The Board was in agreement.

Mr. DiProfio asked if Sarah Campbell had any input.

Ms. Campbell stated the length of the cul-de-sac and the number of houses is regulated by the Subdivision Regulations. Page 3, Section IV addresses this item.

Mr. Pica stated that in this case they would be seeking a waiver from the Planning Board to the Subdivision Regulations.

Mr. DiProfio stated that this would require a waiver from this Board. He also said that if one would ask for waivers, they'd consider other options.

Mr. DiProfio said that the request as it stands would be in conflict with the Zoning Ordinance and Mr. Pica and Mr. Mills would have to convince the Board that this is the best proposal for the town. He suggested they create several options for the Board's consideration.

Mr. Mills inquired as to the projected use of the fields in the back of the school.

Mr. DiProfio stated they would remain just that, fields.

Mr. Pica asked if the Cluster was governed by both the Subdivision Regulations and the Zoning Ordinance.

Mr. Pica said he would return to the drawing board and get innovative.

MISCELLANEOUS

The workshops schedule from Flockingham Planning Commission was given to the Board members. Mrs. George will attend one of the workshops.

The meeting was adjourned at 6:30pm.

Respectfully submitted.

Nancy J. Marden, Secretary/Clerk