

October 20, 1994

East Kingston Planning Board

Attending: Chairman Richard Smith; Joseph Cacciatore, Catherine George, Amanda Lashoones, Dr. Robert Marston, David Boudreau (7:50)

Others Attending Sarah Campbell, RPC Circuit Rider and Larry Smith, Conservation Chairman

This meeting opened at: 7:30pm.

Patricia Graham The Board allowed time to hear Mrs. Graham regarding Clarence Palm property. Mrs. Graham stated that there are two families who are interested in purchasing this property and she is looking for the Board's recommendation.

The property has 554 ft. in Exeter. A subdivision is possible within Exeter of over 5 acres. There are 22.67 acres in East Kingston. An entrance is only possible from Exeter into the East Kingston property. She outlined several scenarios including a cluster at the rear. The lot line is also the Town line from Exeter to East Kingston. There is no frontage in East Kingston.

Mrs. Campbell noted the Zoning Ordinance states there must be frontage on a road. She asked if there was a history from the past about frontage in East Kingston. She noted they could apply for a variance, but they are not precluded from any reasonable uses. They could pasture horses there. Mrs. Campbell noted that East Kingston allows cluster housing.

Steve Abbott Mr. Abbott stated he has an engineering problem in that his house is located 7 ft. too close to the lot line. He is 18 feet from the rear corner of his newly constructed house to the bound. He stated he has a note of permission from his father to apply for such an adjustment.

Mr. Dennis Quintal will be drawing the plot plan for submittal.

Larry Bean Mr. Bean noted that there is no more poultry business and he is looking for options for use of the barn. He needs to know just what he would be allowed to do. He also asked how to make the property commercial.

Mr. Bean noted he needs to make the barns pay for themselves. He asked for feedback on storage. He has a four story barn. He has also considered retail, antiques, etc.

Mr. Smith noted that it is also possible to create a commercial zone. The timeframe for petitioned Warrant Articles is November 14 to December 14, 1994.

Dr. Scapicchio, East Kingston Realty Trust Dr. Scapicchio stated the he would explain the contents of the letter he sent recently to the Planning Board Chairman. He noted that road financing was difficult but that he did come up with an individual to finance the project.

Dr. Scapicchio stated that he and Mr. Pica obtained an estimate from a contractor for construction of the road and infrastructure. The cost estimated was \$350,000, and based on that he applied for financing of \$500,000. This was to leave \$150,000 for infrastructure and to start construction of homes. When they met with Civil Consultants about a letter of credit in the amount of \$495,000, this put the proposed financial funding in no position to begin the project. The individual did not wish to commit the total funding to begin the project. Dr. Scapicchio was unable to convince him to continue and the interest stopped.

Mrs. Lashoones asked what Dr. Scapicchio was seeking from the Board.

Chairman Smith stated that construction was to begin after the six month extension to the original 18 month conditional approval.

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Dr. Scapicchio stated he was confused about the figures left based on the financing. This left no money for the start of the project. \$150,000 to take care of common fill was too high, and there was no town land to hold the fill. This caused the loss of financing. He requested time to work on solving this problem. He wants to clarify this point.

Mrs. Lashoones read from Civil Consultant's letter. They had to do take-offs in order to compute the amount of fill that would have to be disposed of if the Town were left to complete the project.

Mrs. Campbell noted this figure was \$111,000, not \$150,000. Jay Stephens (of Civil Consultants) was concerned with the Town's ability to get rid of over 15,000 cu.yds of loam which is not an issue for your contractor. She also stated that Civil Consultants added 3% (\$13,437) for engineering and 5% (\$23,066) for contingencies - both of which were not addressed in Mr. Pica's bond estimate. Without these three figures (totaling \$148,253), Civil Consultants estimate is actually \$6,502 lower than Mr. Pica's.

Dr. Scapicchio felt that \$150,000 would be enough to cover any contingency.

Mrs. Campbell asked if they would need more time.

Dr. Scapicchio stated that the time would be needed, perhaps to go back and try to renegotiate the terms and the time would be most valuable.

Mrs. Campbell asked why he did not bond just the top two houses off of Route 107 first (with a temporary cul-de-sac) and then try to bond the rest of the project separately. The first two houses have their own septic system and well separate from the rest of the project.

Dr. Scapicchio recalled many years ago when he was willing to loan to Mr. Mills for this project, and as the plan went along, they had to secure a parcel to go through to Route 107. He noted that he personally secured the land on Route 107 and thought that he had to put the road all the way through. He agreed that Mrs. Campbell's solution was very logical, but that he had the impression from his agent that the Board would not allow it.

Mrs. Campbell stated that the Board had repeatedly suggested to Mr. Pica that the two units off of Route 107 be bonded and built first, and then the applicant could come back with the next phase - the remaining 19 units. Other members of the Board agreed that the Board had favored the phasing approach and that Mr. Pica seemed to be opposed to that idea when suggested by the Board.

Dr. Scapicchio said he is still pursuing financing and he is willing to do either way, as he has lots of money invested in this project.

Mrs. Campbell suggested two separate phases. First get the two units off of Route 107 bonded and built and this would make the picture rosier for financing the remainder of the project.

Dr. Scapicchio noted that there might be a problem with the cut and fill if it is done this way. The temporary cul-de-sac might have to be placed directly where the extensive cut and fill would be taking place.

Mrs. Campbell stated that Jay Stephens felt this was far enough in and she explained the temporary cul-de-sac. Mrs. Campbell said that when she asked Stephens for his informal opinion, he said that the road did not have to be pushed all the way through in order to build the cul-de-sac for the first two houses.

Mr. Cacciatore noted the need would still be there for a fire tank and temporary cul-de-sac.

Mrs. George stated she recalled the engineer, Mr. Pica as stating the best cost effective way was to push the road through before building the first two units off of 107.

Mr. Cacciatore noted that Dr. Scapicchio is past his deadline which was October 15th.

Dr. Scapicchio stated he would need time to go back to Mr. Pica and the contractor with this option and he would like to sit down and discuss this with Mr. Pica.

Mrs. Lashoones stated she felt he has been given adequate time and perhaps a ten day frame to come up with bonding would be reasonable. Otherwise he would have to reapply, resubmit as his prior plans.

Mrs. Campbell noted that the deadline was October 15. The conditional approval has expired but she doesn't feel that a resubmitted would do any good, it would mean more paperwork for Mrs. Marden. Dr. Scapicchio will need a separate bond estimate for each phase if that is the way he wants to approach it.

Mrs. Campbell noted the Board feels he has had adequate time and has gone right to the wire on every deadline.

Dr. Scapicchio noted that ten days is not enough time. He requested 30 days and he wants to go to the contractor and the road builder with the cul-de-sac option.

Chairman Smith noted that every time the deadline comes, it gets put off and there is never anything accomplished.

Dr. Scapicchio noted that all other items on the checklist are done.

Mrs. Campbell stated that the Board has yet to see these items. Mr. Pica has repeatedly assured the Board that they were done and she had repeatedly asked that they then be submitted. If any of the other outstanding items (which Mr. Pica asserted were completed) were received by the October 15th deadline, or if the Town had received any communication about the status of the conditions by the deadline, it may have been some demonstration of good faith or that the project was progressing.

Dr. Scapicchio started to read off the items. He stated this is done, indicating one of the items.

Mrs. Campbell stated that negotiating is difficult without seeing the specific items, she noted the Board is unhappy about going to the wire on each deadline.

Mr. Cacciatore spoke on behalf of the Selectmen and stated that they feel this is it, the last stop.

Dr. Scapicchio stated this hurts him significantly and the Town wants the road from Andrews Lane to Route 107.

Chairman Smith clarified that the Board did not want the road to go all the way through from 107 to Andrew's Lane, but that they had originally voted against an extension to the Andrew's Lane dead end because it is already substandard.

Dr. Scapicchio requested 30 days to get the financing and back on tract.

Dr. Marston said he feels the Town has been jerked around enough and began with Mr. Mills. He suggested the Board consider it over and done with.

Dr. Marston motioned to consider the deadline is passed and consider it over and done with.

Mrs. George second.

The motion passed unanimously.

Chairman Smith stated Dr. Scapicchio will have to get a new application.

Mrs. Campbell noted the next move will be to submit a new project application.

Mr. Cacciatore noted he could submit as he chose.

Dr. Scapicchio stated that he never heard about the two phases and was only informed that the Board only wanted the whole road.

Mrs. Campbell stated that this was not true and was a misrepresentation of the position of the Board.

Mrs. Marden will send an application to Dr. Scapicchio. She also noted that this application must be returned by November 3rd, to be considered for a Public Hearing notification for the November 17th Board meeting.

Mrs. Campbell told Dr. Scapicchio to feel free to contact her with any questions..

Dr. Scapicchio will take a more direct road in dealing with the Board next time.

The Public Hearing for Dr. Scapicchio ended at 8:40pm.

Miscellaneous

Mrs. George noted that now the State wants septic design approval prior to subdivision approval request. It cannot be conditional. The State has 30 days and if not done in 30 days, it will be considered approved. Septic designs of 2500 gpd can be designed by any owner.

Mrs. Campbell noted that the Water Resource Protection Plan adopted now doesn't go with the rules. It needs to be approved by OSP. She suggested to send it to OSP and let them review and then figure out how to go about fixing. She will draft a letter of submission.

Larry Smith stated there are minor updates on the Wetland Protection Plan.

Mr. Smith questioned the larger barn for Craig Scholpp.

The meeting was adjourned at 9:04pm.

Respectfully submitted, Nancy J. Marden, Administrative Assistant _____