

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of March 21, 2011  
MINUTES**

The meeting was called to order at 6:30 pm in the Selectmen's Office at the Kingston Town Hall. In attendance were Chairman Mark Heitz and Selectmen Peter Broderick and Charles Hart.

**Discussion of Road Configuration to Industrial Parcels**

The Board discussed with Road Agent Richard St. Hilaire, Police Chief Donald Briggs, and Planning Board Chairman Richard Wilson a proposal for layout of a town road through properties owned by John and Brenda Galloway and by Brox Industries, Inc. The purpose would be to provide access to the Torromeo industrial property that now is accessed by Dorre Road, to increase safety of entry by industrial vehicles onto Route 125 by directing traffic toward an intersection controlled by traffic lights, and to open certain landlocked parcels to development by providing frontage on a Class V Road. The proposal may hold enough benefit for the individual landowners that they will absorb the cost of construction. The town would need only to provide a preliminary layout and possibly pay for an eminent domain taking of property if it becomes necessary. The Board agreed that Mr. St. Hilaire and Chief Briggs should approach the landowners that would be affected to determine if there is interest in the plan. They also could determine the cost of having an appraisal done on the portion of Roadstone Drive - the private driveway to the Galloway site - that would be necessary for the project. Because the project also will depend upon a right of way through the Brox property that he is willing to provide now but may not be in a position to allow once his planned concrete plant is constructed, this is the optimum time to explore the possibility of an agreement among the parties involved. Chairman Heitz noted that any cost to the town will need to be weighed against the perceived benefit, and pointed out that the existing private right of way located on the Galloway property could have been turned over to the town at any point to allow subdivision and increased use of the Galloway property. The Galloways had chosen not to do so and had in fact brought suit against the town for denying a subdivision on a private road. Chief Briggs and Mr. St. Hilaire will report back to the Board on result of their discussions with the property owners.

**Discussion of 48 Exeter Road non-Compliance**

Deborah Smith of 48 Exeter Road was present, along with her attorney, at the Board's request to discuss an outstanding Cease and Desist Order and on-going non-compliance with the terms of Ms. Smith's site plan approval. Chairman Heitz advised that it is the opinion of the town's inspectors - based on advice from Town Counsel - that the pre-existing, non-conforming status of the property had been lost due to the failure of Ms. Smith to abide by an October, 2007 agreement to provide a septic design that would accommodate both the existing house and the commercial garage being operated on the property, within 60 days. That agreement had allowed for installation of the approved system to be delayed by as long as 4 years. However the design was never done and the agreement - and therefore the site plan approval - expired in December, 2007. The grandfathered status of the property would have expired one year later, in December, 2008. The Board wishes at this point to bring the property into full compliance with the 2007 site plan. Chairman Heitz read a list of violations provided by Building Inspector Robert Steward based on his February 14, 2011 inspection. In addition to the septic issue, the lack of bathrooms or lavatory facility, and the presence of an illegal porta-potty, there are violations based on the number of vehicles, screening of vehicles, and a violation of the sign ordinance. Ms. Smith's attorney agreed that the issues need to be addressed and asked the Board what steps his client should take going forward. Chairman Heitz advised that a septic design needs to be presented and approved by the Health Officer and by the State; the septic system needs to be installed; a bathroom facility needs to be installed in the garage; a permit for

the sign needs to be acquired; and the site needs to be operated according to the conditions of Ms. Smith's site plan approval. He noted that if the property is brought into compliance prior to the original four-year deadline set in 2007, i.e., prior to December, 2011, he doesn't believe the Board will pursue the issue of the property's pre-existing, non-conforming status having been lost.

#### **Article 22 of 2007 Town Meeting Discussed**

Glenn Coppelman, Scott Ouellette, and Planning Board Chairman Richard Wilson discussed with the Board a 2007 Article calling for establishment of a Committee to explore possible purchase of Tax Map R34, Lot 71B - the site of the formerly proposed Hannaford Supermarket - for future use by the Town. Mr. Coppelman stated for the record that he had not been party to the original petitioned article. The Board agreed that Mr. Coppelman should gauge the level of interest in such a Committee and, if he can find a sufficient number of residents to serve, a committee can be formed. He noted that no action can be taken without a town wide vote in any case. It was suggested that the property owners be kept apprised of any activity in regard to the property.

#### **Resident Inquiry into Property Status**

Robert Bean of Tucker Road discussed with the Board the development potential of his property, which comprises three lots, two of which front along Back Road, a Class VI road on which development wouldn't be allowed per ordinance. Mr. Bean advised that he is in the process of negotiating for his properties to be designated as Wetlands Reserve areas (they abut the Tucker property recently placed under easement by the US Conservation Service) and their value as a wetlands preserve is dependent upon their value as developable property. The Board advised that the properties have a developable value, however development would depend upon the road being brought to town standards. Planning Board Chairman Richard Wilson agreed to prepare a letter to that effect on Mr. Bean's behalf.

#### **Board Assignments for the Ensuing Year**

The Board discussed and agreed that, until the next Town Meeting, Mr. Broderick will serve as Board Chairman and as liaison to the Budget Committee; Mr. Heitz will serve as liaison to the Planning Board; and Mr. Hart will serve as liaison to the Historic District Commission and Cable Committee.

#### **Review of Previous Meeting Minutes**

**MOTION:** Upon motion of Selectman Hart and second of Selectman Broderick, it was voted to approve the minutes of the March 14, 2011 meeting as printed. Selectman Heitz abstained from the vote due to his not having been present at the meeting.

#### **Adjournment**

There being no further business before the Board, the meeting adjourned at 8:15 pm to address administrative issues.

Respectfully submitted,  
Catherine Grant  
Administrative Assistant