

**Kingston, New Hampshire
Board of Selectmen
Meeting of May 17, 2010
MINUTES**

The meeting was called to order in the Selectmen's Office of the Town Hall at 7:00 pm by Chairman Mark Heitz. Also in attendance were Board members Peter Broderick and Charles Hart.

Recreation Department Updates

Recreation Commission Chairman Roger Clark was present at the request of the Board to provide an update on his activities concerning the former YWCA property on Main Street. Mr. Clark advised that he has been obtaining updated quotes for work that was identified by Town Inspectors as needing to be done during their inspections in 2008. He provided a listing of the quotes he's received, and explained that he intends to have as much of the work as possible done through volunteers, donations or the town's personnel. The Board requested that Mr. Clark coordinate all planning and activity with Road Agent Richard St. Hilaire, who will be responsible for the property's upkeep and maintenance. Mr. St. Hilaire will need to give final approval to the design plan and scope of work. Mr. Clark will meet with Mr. St. Hilaire during the upcoming week.

Mr. Clark advised that the 8-week Summer Camp program will start on June 28th at the Swasey Gymnasium. Hours, including early drop-off and late pick-up, will be 7:00 am to 5:00 pm. In addition to the Director, there will be an Assistant Director and 9 counselors. It's estimated that there will be 50 campers. The cost will be \$65 per week (\$75 per week for non-residents). Selectman Broderick stated that the charge should be reviewed next year and raised to better reflect the cost of operating the camp. Mr. Clark suggested that the camp is a benefit to residents and may need to remain affordable in order for families to continue to be able to use it.

A letter advising that Mr. Clark is resigning as Recreation Commission Chairman, and will be resigning from the Commission altogether effective on December 31, 2010, was submitted. Mr. Clark noted that he has been attempting to recruit new members, particularly among those residents who use the programs.

Highway Department Updates

Road Agent Richard St. Hilaire advised that he had met with FEMA representatives that morning and that a damage estimate of \$70,000-\$100,000 appears likely. A preliminary informational meeting is scheduled for May 24th, and the application for damage reimbursement will need to be submitted shortly thereafter.

Selectman Broderick asked if DES inspectors had visited the Back Road area, where a Danville resident has constructed some illegal dams that have affected the Back Road Town Forest. Mr. St. Hilaire advised that he expects to be notified when they come but hasn't yet received a call. The Southeast Land Trust also will be present for that inspection, since they hold the Conservation Easement on the forest.

Property Permitting Discussion

Daniel Mastroianni of Tupelo, LLC, was present to learn what the Board has decided relative to his building permit for 51 Route 125. The issue was discussed at the May 10th Selectmen's meeting and Mr. Mastroianni hoped to have their determination as to the status of his permit.

Chairman Heitz explained that he had spoken with Acting Building Inspector Laurence Middlemiss and with Fire Inspector Scott McLellan, had reviewed the property's assessment records, and had spoken with the assessor who most recently had reviewed the property. In his view, there should have been an inspection of the progress on the Building Permit that initially had been issued in 2004, particularly once a change in the Zoning made his proposed project a disallowed use, but also at the 6-month point during which the project needed to be underway. Since the permit was given two 2-year extensions without inspection, and since assessing records indicate that the interior hadn't been viewed until April, 2010, it's not possible to determine at what point various aspects of work had been done. However, the assessor did view the interior on April 5th of this year, and his recollection is that no work had been done on the lower level and that only limited work had been done on the upper level. That information corresponds to information from the Fire Inspector that no work was apparent on the lower level.

Chairman Heitz proposed to the Board that one of three options be imposed:

1. The Board could allow the project to proceed according to the 2004 Building Permit, i.e., allow the construction of two residential units
2. The Board could require Mr. Mastroianni to obtain a Variance for residential use in the C-III Zone
3. The Board could allow continued construction on an upper level apartment, since there is evidence that work has been done on the upper level to an extent that shows a vested interest in the project, but restrict the lower level - on which no work is apparent - to commercial use only.

Following discussion, the Board reached consensus that the third option is the most equitable, given that the town was somewhat negligent in not having tracked the project better from the beginning. Mr. Mastroianni noted that he actually has a commercial use in mind for the lower level and will happily accept the Board's decision. Selectman Hart advised that Acting Building Inspector Larry Middlemiss has voiced concern about the staircase and about the possible weight capacity of the second floor. Mr. Mastroianni noted that the staircase is temporary and that he will have the builder review weight loads for the floor between the two levels, although it is supported by lally columns.

MOTION: Upon motion of Selectman Broderick and second of Selectman Hart, it was unanimously voted that the property at 51 Route 125, owned by Tupelo, LLC, will be restricted to a commercial use on the lower level, but that the residential use for which a 2004 building permit and subsequent extensions were granted will be allowed to be constructed as permitted on the second level.

Review of Correspondence / Documents

The Board reviewed a letter of resignation from Craig Federhen from his long term position on the Conservation Commission. A letter of thanks to Mr. Federhen for his service was signed.

Appointment papers for Recreation Commission members were signed.

Review of Previous Meetings' Minutes

MOTION: Upon motion of Selectman Broderick and second of Selectman Hart, it was voted to accept the minutes of the May 10, 2010 meeting, amended to reflect the fact that the building permit issued for 51 Route 125, owned at present by Tupelo, LLC, was for two apartments - one on the lower level and one on the upper level - rather than for two apartments on the upper level. The May 10, 2010 minutes will be amended.

MOTION: Upon motion of Selectman Broderick and second of Selectman Hart, it was voted to accept the minutes of the May 10, 2010 non-public session as amended.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:52 pm and the Board retired to address administrative issues.

Respectfully submitted,
Catherine Grant
Administrative Assistant