

Kingston, New Hampshire
Board of Selectmen
Meeting of January 10, 2022
FINAL MINUTES

The meeting was called to order at 6:30 PM by the Chairman.

PRESENT: Chairman Phillip Coombs; Richard Wilson, Vice Chair; Electra Alessio, Donald W. Briggs, Kevin St. James, Select Board Members.

NON-PUBLIC SESSION:

MOTION: by Chairman Coombs, to enter non-public session under RSA 91-A:3, II (b) Personnel

SECOND: by Selectwoman Alessio

All in favor

Meeting adjourned to non-public session at 6:31 PM.

MOTION: by Selectman Wilson, to return to public session at 6:50 PM

SECOND: by Selectwoman Alessio

All in favor

Motion made to seal these minutes: Motion made by Selectwoman Alessio, seconded by Selectman Wilson, because it is determined that divulgence of this information likely would...

XX Affect adversely the reputation of any person other than a member of this board.

Roll Call Vote to Seal Minutes:

Phillip Coombs	Y	Richard Wilson	Y
Kevin St. James	Y	Electra Alessio	Y
Donald Briggs	Y		

Motion: PASSED

Discussed in non-public session: Hiring of public employees

APPOINTMENTS

Nick Tripodi, 62 Mill Road: Impact fees assessed on 3rd apartment

Nick Tripodi was present to speak to the Board; he asked to wait for former property owner Steve Pascoe to arrive.

The Board addressed the second appointment while waiting.

Darryl Temple, 13 Wadleigh Point: Seasonal Residence

For the benefit of those present interested in this matter, Chairman Coombs announced that due to illness, this appointment has been once again postponed. It will be on the January agenda at 7:00 PM.

62 Mill Road, cont.

Mr. Tripodi said that he is here to question the \$5,000 impact fee he has been told will be due on the property he bought recently from Mr. Pascoe (who was now present). He

said that they had gotten two or three stipulations from the Planning Board, but this fee was not mentioned. Mr. Pascoe asked why no one told him and Mr. Tripodi that impact fees would be assessed. The Chairman explained that just because the apartment had been in existence, it did not mean it was a legal dwelling, but now that has been brought into compliance and is recognized as an occupied dwelling by the town, the impact fees are associated with it. Mr. Pascoe said it seemed this was taken out of the air, and the Town should have told him what was needed to finalized the process. Chairman Coombs said that as a person who has been involved in real estate, he should have known that this would be due when the apartment became legal. Mr. Pascoe said he had not known it was illegal.

Mr. Pascoe spoke at length about the history of the property, and said that the third apartment was present when he bought the property, and had been in place for years. He said that the Town had been collecting taxes for three apartments for thirty years. The Chairman interrupted to say that it was taxed as living area for the use of the owner, not an apartment. Mr. Pascoe and that the Town should have known it was there when a 3-unit septic plan was submitted. Chairman Coombs said that a person with a one-bedroom house could come in with a six-bedroom septic plan, and that would not indicate the Town's approval of six bedrooms. Mr. Pascoe continued to insist that the property has been taxed as three units.

Selectwoman Alessio said that Mr. Pascoe had to come to the ZBA, and got approval for a legitimate third unit, but in order to have that third unit, it needed to be brought up to life safety codes; they had been instructed to continue on to the Planning Board and to obtain all necessary permits. She said she assumed that would include impact fees. Selectman St. James said that when you pull a permit for a dwelling unit there will be impact fees. He described his experience putting in the first legal in-law apartment in Kingston, and having to take out new windows and replace them with larger windows. He said that no one had warned him, but that the zoning and codes need to be adhered to. Selectman St. James said that this Board was not around when the Mill Road apartment was first put in, but is trying to bring the Town into compliance. Mr. Pascoe asked what the building code has to do with his apartment. Selectman St. James said that it wasn't legal.

Mr. Pascoe continued to argue that that the apartment should not cause impact fees as it has been in place already and that he had not been told they would be assessed; he said he has done this a lot of times in Massachusetts and NH and everything is laid out that needs to be done. The Chairman read from the impact fee ordinance, Section 405.3.E: "New development, for the purpose of impact fee assessment, includes... 2. Changes to an existing structure that would result in a net increase in the number of dwelling units." He asked Mr. Pascoe if he did not feel that the actions he undertook with the Planning Board in September caused a net increase in the number of dwelling units. Mr. Pascoe said no, it already existed and he said the Police Chief knew it.

Mr. Tripodi said he has a friend who lived in the apartment before Mr. Pascoe bought the property, and it was a studio apartment with a bathroom. Chairman Coombs said

that it doesn't matter who built it or lived in it in the past, the point is that it was not brought into compliance or recognized as a legal apartment until September 21, 2021.

Mr. Pascoe said that he has paid more than \$5,000 in taxes on the unit. Chairman Coombs read from the Building Inspector's memo, "while it may be true that the tax assessor put a tax value on the 'living area for owner', it was never a legal dwelling unit". Chairman Coombs asked Mr. Pascoe why he needed to apply to the land use boards if it was already a legal dwelling unit, which Mr. Pascoe did not answer.

Discussion continued about the apartment and the reason why it is being assessed impact fees now (according to the Building Inspector, once Planning Board approval was obtained, enforcement of the Impact Fee Ordinance was triggered), and also why this came as a surprise to the owners.

Mr. Tripodi said that in the property file there is the building permit, with a list of stipulations, and just a sticky note that says "\$4998 impact". He said it is a total afterthought and that is why they are here.

Chairman Coombs asked again why Mr. Pascoe went to the ZBA and the Planning Board. Mr. Pascoe said it was to legitimize the apartment that was already there. Chairman Coombs said that the argument that he was already paying taxes on the apartment did not work then and it does not now. After further back and forth, Mr. Pascoe said it's not only that he doesn't like the fee, he is not paying it.

Mr. Pascoe was told that in any case, the Select Board has no authority to waive an impact fee. He asked then why he and Mr. Tripodi were told to come and talk to the Board when it is a waste of time. Selectman Wilson said he thought this should be put off until the 24th. He said he would like to look at the file and also bring the matter to the next Planning Board meeting to see if there is any relief to be had from that board, which has jurisdiction over impact fees.

Ernie Landry, Heritage Commission re: Plains Cemetery

Mr. Landry said he would like to inform the Board and the public that the Plains Cemetery in Kingston has been placed on the National Register of Historic Places. He said this has been accomplished with no cost to the Town, as a grant was obtained to pay the consultant who did the nomination form. The Town will be reimbursed for expenses.

Mr. Landry added that going forward, there is no burden on the town, it is strictly an honorary designation.

Chairman Coombs thanked Mr. Landry and the Heritage Commission for this work, saying that the Plains Cemetery has an important place in the Town's history. There was a discussion of the age of the cemetery and the oldest headstone; Mr. Landry said that the Cemetery was established in 1725 and he believes the oldest marked stone is from 1729 or so. However, he said that a lot of the oldest stones were not carved and some are just fieldstones. Mr. Landry said there is a video presentation on the cemetery, that he would like permission to put on the Town's YouTube page.

Chairman Coombs said that the Cemetery Trustees have maps of all the Town's cemeteries except for Greenwood, and there is a search tab on the Town's website on the Trustees' page.

PUBLIC COMMENT 1 (none)

COMMITTEE LIAISON REPORTS

Selectman St. James said that the Budget Committee had held a public hearing with the Select Board on Saturday to review the budget; they will meet again on January 15 to review the 2022 Warrant articles.

Selectwoman Alessio said she had met with the Town Clerk, Highway Agent, Fire and Police Chiefs, to discuss sick day policies. She said this is the first round of the process. Selectwoman Alessio also noted that the newly formed Solar Committee will hold an initial meeting on Wednesday January 12. She is exploring options for recording these meetings.

Selectwoman Alessio also said there was apparently a misprint in the Carriage Towne News when reporting the sale price of the Sanborn Seminary; it was sold for \$200,000, not \$100,000.

OLD BUSINESS

Request to unmerge lots at R39, Lot 13

Selectman Wilson said this parcel had been researched to determine if it was merged involuntarily by the Town. Finding no evidence of voluntary merger, he said there is no reason to deny this request to unmerge. He said that the owners had been advised that there is no benefit to the separation into the original lots; the only reason they mentioned that made sense to him was that a neighbor may want to buy one. He said nothing can be built on any of the lots, as they are landlocked and wet.

MOTION: by Selectwoman Alessio, to grant the request to unmerge Map R39, Lot 13 into its former four lots.

SECOND: by Selectman Wilson

All in favor

Beaver Dams

Chairman Coombs said that due to the snow last week, he and the Highway Agent had not been able to go out to look at the beaver dam problems; they will try again this week.

Pine Grove Cemetery complaint

Chairman Coombs said that he had looked into the issues raised in an emailed complaint of conditions at the cemetery; he said he thought this had to do with problems with snow removal for winter services when they still took place. He said he had reached out for more information and is waiting to hear back.

NEW BUSINESS

Unitil re: Town land

Selectman Briggs said that Unitil has expressed an interest in buying land adjacent to their power lines to be used for solar installations. Chairman Coombs said that any

Town land in those areas is probably already under Conservation easement. It was agreed that when town lots are identified for possible sale in the future, attention will be paid to any that may be eligible for Unital's use.

BOARD BUSINESS

2022 Warrant Articles

The Board reviewed the draft Warrant as it currently stands. A petition article submitted to reverse the prohibition of roosters in the single family residential zone was thought to be worded incorrectly. There was a discussion of what should be done, and whether the wording can be changed at this point. The Administrative Assistant will inquire of the Department of Revenue Administration whether and how it can be revised. Selectman Wilson will talk to the petitioner to advise him of the problem.

PUBLIC COMMENT 2

None heard

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- A letter has been received clarifying that Mark Viens' application for a State Inspection Station permit at his place of business is for his own business vehicles and family vehicles only; **Motion** by Selectwoman Alessio, **Second** by Selectman Wilson to authorize the Chair to sign this form (**In favor: Alessio, Briggs, St. James, Wilson; Abstain: Coombs; passed**).
- Recycling totals for 2021 have been received from Waste Management.
- One veterans credit application was approved.
- A thank you card has been received from Charlie Hannigan's family, for flowers sent on Charlie's passing.
- An update has been received from the Town of Chester on the breakdown of costs from the fall Household Hazardous Waste day held there. Kingston's portion has been paid; this may result in a small refund.
- Northeast Vegetation and Mosquito Control has submitted its annual state mosquito control permit for a Town signature. **Motion** by Selectwoman Alessio, **Second** by Selectman Briggs, to authorize the Chair to sign the form (**In favor: Alessio, Briggs, St. James, Wilson; Abstain: Coombs; passed**).

APPROVAL OF MEETING MINUTES:

MOTION: By Selectwoman Alessio, to approve the meeting minutes of January 3, as written.

SECOND: By Selectman Briggs
All in favor

NON-PUBLIC SESSION:

MOTION: by Selectman St. James, to enter non-public session under RSA 91-A:3, II (b) Personnel

SECOND: by Selectman Wilson
All in favor

Meeting adjourned to non-public session at 8:00 PM.

MOTION: by Selectman Wilson, to return to public session at 8:30 PM

SECOND: by Selectwoman Alessio

All in favor

Motion made to seal these minutes: Motion made by Selectwoman Alessio, seconded by Selectman Wilson, because it is determined that divulgence of this information likely would...

XX Affect adversely the reputation of any person other than a member of this board.

Roll Call Vote to Seal Minutes:

Phillip Coombs	Y	Richard Wilson	Y
Kevin St. James	Y	Electra Alessio	Y
Donald Briggs	Y		

Motion: PASSED

Discussed in non-public session: Personnel

Adjournment:

Meeting Adjourned at 8:30 PM

Respectfully submitted,

Susan Ayer, Administrative Assistant