

**Kingston, New Hampshire Board of Selectmen
Meeting of September 29, 2014
MINUTES**

The meeting was called to order at 7:00 pm in the Selectmen's Office of the Kingston Town Hall. In attendance were Chairman Mark Heitz and Selectmen George Korn and Peter Broderick.

Hearing of Proposed Bandstand Lighting Plan and Restriction Regulation

Chairman Heitz called to order a public hearing for the purpose of gathering public input into a design proposal for the historic bandstand renovation. The design includes a lighting plan that may partially be in conflict with the town's outdoor lighting ordinance. The Board also wished to discuss a proposed regulation that will restrict use of the renovated bandstand to permitted events only and that will charge a fee to cover any clean-up or repair necessitated by the event. Chairman Heitz noted that the meeting was publicly posted for two weeks and was published on the town's website, and that property owners immediately adjacent to the bandstand were personally contacted and invited to come to the meeting.

Selectman Korn advised that the town's Heritage Commission has been granted funding under LCHIP (Land and Community Heritage Investment Program) to restore the bandstand to its 1800 appearance and to shore up the foundation. Rather than a stairway leading into the structure, the design under consideration has a decorative ladder affixed horizontally along the outside of the structure, but actual access will be via a portable staircase moved in when needed to a swinging door built into the side. The lighting proposal calls for four granite posts, designed to look like 1800's type hitching posts, surrounding the structure and serving as mounts for four flood type lamps angled upward toward the bandstand. Any light shining beyond the interior of the structure would potentially create a light trespass situation. Shrubbery and plantings around the bandstand would serve to shield the lighting fixtures from view.

Chairman Heitz read aloud the proposed regulation to restrict use of the bandstand. Copies of the regulation were available for members of the public present. William Bartlett advised that he personally provided \$3,200.00 in 1997 for repairs to the bandstand so is supportive of the plan to restore it. He does not, however, agree with any plan to restrict or charge to access what essentially is a public building. He lives immediately across from the Plains and has not observed appreciable levels of vandalism or graffiti. It has become a meeting place for young people, but he doesn't object to that and would rather it be left open to use than that it become a decorative structure only.

Selectman Broderick advised that Richard St. Hilaire, who maintains town buildings, has reported that he removes at least a full trash bag of litter every week and that he frequently needs to clean, repaint or repair the structure due to damage. Chairman Heitz added that there also is a question as to ADA accessibility when a public building is renovated and open to the public, so the design being considered doesn't provide access to the interior other than by a portable staircase that will need to be brought in when an event is planned.

Ernie Landry of the Heritage Commission advised that the requirement for ADA compliance likely would be waived because of the historic nature of the building, however he has noted substantial damage and misuse of the bandstand, including a fire within the past couple of years, and supports enacting some sort of monitoring and permitting regulation. Chairman Heitz asked if the design plan can just include a built in access stairway; it would keep youngsters from climbing over the sides and limit damage somewhat. Mr. Landry agreed to raise the matter with the Commission and designer.

Another resident from the area advised that he opposes restricting use and hopes that the Board will continue to allow young people to use the structure. Mr. Bartlett noted that defacement of public property already is illegal so any misuse or damage can be prosecuted without restricting access to the public at large. He advised that he would be more supportive of restricting use if it were only for the hours between dusk and dawn, and suggested that, since there appears to be

strong opinion on both sides of the issue, perhaps the Board should propose adoption of a restrictive regulation to Town Meeting via a warrant article.

Peter Coffin of the Planning Board expressed the opinion that it has been town policy to not violate its own ordinances so he would oppose any non-compliance with the Outdoor Lighting Ordinance's Dark Skies component or with any light trespass issue. He suggested that an alternative would be to light the structure from under the soffit, directed downward. Mr. Landry advised that the design mainly is a matter of aesthetics and historical accuracy; there was no electric lighting in 1800; the off-structure lighting is meant to be unobtrusive and to highlight the structure more than to actually light its interior. Mr. Coffin advised that any lighting should not extend above the roof or beyond the edge of the Plains.

Chairman Heitz thanked those in attendance and closed the hearing.

The Board agreed that the matter of a restrictive regulation should be put before the voters in March, and that conduit for the proposed lighting should be installed while the foundation work is being done, with a final design decision being made at a later date.

Candidate for State Senate

Donna Schlachman, candidate for State Senate, was present to introduce herself to the Board and provide an overview of her sense that the state's resources need to be redirected to address issues of most concern early on. She specifically noted education, mental illness/addiction, funding options to lower property tax rates to allow homeowners to age in place, and the need for a serious conversation about broad based taxation. Chairman Heitz advised that a major concern for municipalities has been the decrease in state revenue sharing to towns while increasing local contribution rates to the Retirement System. Ms. Schlachman agreed that the burden has shifted but the alternative was a state budget shortfall or default of the retirement system.

Resident Concern about Apparent Yard Sale

Jay Ash of 26 Danville Road was present to request the Board's attention to an apparent yard sale/flea market operation at an abutting property. He noted that the sale isn't for household items originating on the property but for items being brought in via a 24' camper trailer from off site. He presented several pictures for view on an iPad, and advised that the size of the sale is creating parking and traffic issues as well as disturbance to the neighborhood in general. Selectman Broderick advised that he will look into the matter. If the operation goes beyond what generally is considered to be a "yard sale", the property owners may need to cease the operation and/or attempt to obtain Planning Board approval.

Fire Department Command Vehicle Purchase Approved

Fire Chief Bill Seaman was present to request Board approval of a Purchase Order to buy a new SUV for use as a command vehicle for the department. Particulars of the purchase were discussed at the Board meeting of September 22nd. Funding is proposed to come from the Public Safety Details account, if Police Chief Briggs is amenable to that idea. Chief Seaman advised that he discussed the proposal with Chief Briggs, who agrees to the withdrawal of \$34,600.00 for the purchase.

MOTION: Upon motion of Selectman Broderick and second of Selectman Korn it was unanimously voted to approve purchase of an SUV as outlined in the purchase order to be signed and in the minutes of the September 22, 2014 Board meeting, and to authorize withdrawal of the necessary funds from the Public Safety Details Account.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Broderick and second of Selectman Korn it was unanimously voted to approve the minutes of the September 22, 2014 meeting as printed.

Administrative Issues

The Board agreed to set January 31, 2015 for the 2015 Deliberative Session of Town Meeting.

The Board reviewed and approved an application for a benefit road race to be held in September, 2015.

Adjournment

There being no further business before the Board the meeting adjourned at 8:37 pm and the Board retired to review orders to pay.

**Respectfully submitted,
Catherine Grant
Administrative Assistant**

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