

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of November 17, 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 Board Chairman Mark Heitz and Selectmen George Korn and Peter Broderick.

**Public Hearing on Proposed Snow Deposit Regulation**

Chairman Heitz called to order a Public Hearing for the purpose of obtaining public input into a proposed Snow Deposit Regulation. The Hearing had been posted at the Town Hall and Post Office; had been published on the town's Website, and was published in the Carriage Towne News.

Chairman Heitz read aloud the proposed regulation and asked if there was any public comment.

Police Chief Don Briggs asked if there could be clarification that the plow trucks hired by the town are to be exempt. He also suggested that the regulation specify who will be the enforcement authority. It was agreed that the main regulatory paragraph now will read, "It shall be unlawful to deposit or cause to be deposited any ice or snow in or upon a public way, sidewalk or public place in the Town of Kingston". It also was agreed that a paragraph will be added to name the Kingston Police Department as the enforcement authority for the regulation.

Chairman Heitz suggested that the proposed \$500.00 fine is excessive relative to other fines adopted in Kingston. Selectman Korn agreed, suggesting that the fine be changed to \$100.00 for the first offense and \$200.00 for each subsequent offense.

John Whittier of Rockrimmon Road asked if the Board can also make it unlawful for the town to plow ice and snow from public ways onto private property. Chairman Heitz said that they cannot.

There being no additional comments forthcoming, Chairman Heitz closed the Public Hearing at 7:21 pm. The Regulation as revised will be prepared for signature at the next Board meeting.

**Land Use Violation Discussion**

Greg Digregorio of 107 New Boston Road was present to discuss a Notice of Violation received by him, based on complaints from neighboring property owners and from inspections of the property made by Town Officials.

Mr. Digregorio advised that the Notice of Violation alleges a commercial use of the property that would not be allowed in the Aquifer Protection Zone and that has not been approved by the Planning Board. He stated that all of the vehicles on the property are and have been owned by Mr. Digregorio's tenant, who also is his brother. He noted that as many as seven of the approximate fifteen vehicles now on site are unregistered. He advised that until his brother moved in 2 years previously, there had been no issues with his property. When he received an initial notice in July of 2014, he had asked his brother to begin removing the excess vehicles and five have been removed to date. Selectman Broderick advised that there can be no more than one unregistered or un-road worthy vehicle on a site without the owner having obtained a Junk Yard License, which would not be allowed in the Aquifer Protection area in any case. It was agreed that, based on Mr. Digregorio's assertion that all of the vehicles on the property are owned either by him or by his tenants, and that the repairs being undertaken are for the purpose of re-selling those vehicles at the earliest opportunity, the Notice of Violation will be re-classified to indicate that the violation is operation of an un-licensed Junk Yard, still with the caveat against vehicle repairs or maintenance being undertaken in the Aquifer Protection District, where such work is not an allowed use.

Mr. Digregorio noted that among the complaints listed as having been received by the town concerning activities on his property was an allegation that he or his tenants have dumped buckets of unidentified fluids into the woods around his house. He categorically denied that this is the case and invited the town to make whatever inspections are necessary to verify that no dumping has occurred.

Mr. Digregorio agreed with the Board that auto repair activities have been occurring too late at night, noting that he has no wish to bother neighbors and that the noise has been bothersome to him as well.

**MOTION:** Upon motion of Selectman Broderick and second of Selectman Korn it was agreed that Mr. Digregorio will be given a period of 30-days during which he will bring his property into compliance. All un-road worthy and/or unregistered vehicles will be removed; any trailers or storage containers will be removed; automotive repair activities will cease.

Mr. Digregorio asked will he be able to rent a 30-yard dumpster for removal of trash and equipment from his property. The Board agreed as long as the dumpster doesn't become a permanent fixture.

Chairman Heitz asked if any of Mr. Digregorio's neighbors who were present had any concerns or comments they'd like to make known. One abutter said that he would like to see consistent progress over the next 30 days toward full compliance. A second abutter has been concerned about the integrity of his well, noting that vehicle repairs undertaken on Mr. Digregorio's property have been conducted on pervious surface so that any fluids from the vehicles will have been leaching directly into the ground water. It was agreed that Selectman Broderick will visit the property on November 18<sup>th</sup> and take a full inventory of the vehicles, equipment, etc. to be removed. It was further agreed that no repair activities will occur before the hour of 8:00 am or after the hour of 6:00 pm during the 30-day period allowed before full compliance must be achieved.

Chairman Heitz cautioned Mr. Digregorio that the fine for continuing non-compliance is up to \$275.00 a day and that, should compliance not be achieved within the 30-day period agreed to, the town will be seeking a court judgment in the matter. Mr. Digregorio agreed and indicated his understanding of the situation.

### **Administrative Issues**

The Board reviewed a request from the Library Trustees for approval of flooring in the basement of the Nichols Building. The request will be taken under advisement.

The Board reviewed a request for approval of exterior work to the Nichols Building, submitted by the Library Trustees. The Board will discuss the request with Building Supervisor Richard St. Hilaire to determine if all of the work is necessary and how Mr. St. Hilaire had intended to accomplish whatever portion is necessary.

A request for the Board to cover utility cost overages at the new Library was agreed to.

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

**MOTION:** Upon motion of Selectman Korn and second of Selectman Broderick it was unanimously voted to approved the minutes of the November 10, 2014 meeting as printed.

### **Adjournment**

There being no further business before the Board, the meeting adjourned at 8:13 pm and the Board resigned to review orders to pay and to attend to administrative matters. The next meeting will be held on November 24, 2014.

Respectfully submitted,

**Catherine Grant**  
**Administrative Assistant**