

**Kingston, New Hampshire
Board of Selectmen
Meeting of February 23, 2015
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 Selectman George Korn.

Budget Update for Highway Department

Road Agent Richard St. Hilaire briefly advised the Board that the many winter storms we've had have nearly depleted his winter maintenance budget. He estimates that there is \$10,000.00 left in the plowing line, \$20,000.00 left in the salt line, and very little left in his overtime budget. He also noted that there have been numerous complaints about damage to mailboxes, fences, hedges, etc., and that he is taking them on a case by case basis. He can't do anything about property that is situated in the town right-of-ways, but he does try to address damage done to property that was properly installed on private property.

Request to Tap Maple Trees Discussed

Ted McCormack of Main Street was present to request permission to tap four maple trees located on the Plains in front of his house. He explained the process and noted that similar arrangements had been allowed years ago. He intends to use traditional designs of taps and buckets and to check them at least daily. He will only use two taps per tree, tapping a minimum of 2' from ground level and a maximum of 2" into the bark. Mr. McCormack will donate ½ gallon of syrup to the Kingston Days Raffle if he's able to realize a good yield from the trees.

The Board agreed to grant permission for this year only, with the understanding that they may withdraw permission if the town receives many complaints or if the work isn't properly maintained or isn't aesthetically pleasing to the area. Selectman Korn requested that Mr. McCormack check with the County Extension Service to see how they recommend taps be closed off once the sap has stopped flowing. The goal will be to minimize damage to the trees and keep insect infestation to a minimum. Chairman Heitz stressed that permission is being given on a trial basis only.

Discussion of Notice of Violation for Route 125 Property

Attorneys Anna Hantz and Lynn Preston of the firm of Sheehan, Phinney, Bass & Green were present to discuss with the Board an unresolved Notice of Violation sent in December of 2014 to their client, John Lancaster. The purpose of the Notice was to bring Mr. Lancaster into compliance with town ordinances by having him apply for site plan approval and a building permit for a commercial building he has sited on his property on Route 125. The town became aware of the structure when emergency personnel were called to the site in November, 2014 following a report of smoke emanating from the area. The current site plan, approved in 2006, indicates that temporary storage units would be situated in the area in which the building now is located. Ms. Hantz advised that the so-called building that is the subject of the Notice of Violation is comprised of four individual storage units stacked two high with the two stacks placed parallel to each other, with roofing and door components specifically made for the purpose of enclosing such configurations. She provided photographs of structures located in other towns and advised that the practice is becoming increasingly frequent for temporary storage or work space use. In Mr. Lancaster's case, he intends to sell the various components, so the structure he's erected is actually serving as a display model. She suggested that Kingston's ordinance does not require permitting for such temporary structures. Chairman Heitz reviewed the ordinance and read aloud the section (P2-2) relating to the definition of "structure", which includes "anything constructed, the use of which requires permanent location on or in the ground, including stationary and portable carports, swimming pools, tool sheds, garages, screen houses, and other accessory storage buildings".

Ms. Hantz advised that she believes Mr. Lancaster may not object to the idea of obtaining a building permit, as long as he can avoid going through the site plan review process again. She noted that the Planning Board had imposed some very costly conditions on past reviews and revisions and Mr. Lancaster is understandably reluctant to subject himself to that again. Chairman Heitz advised that he serves as the Selectmen's liaison to the Planning Board and is aware of the fact that Mr. Lancaster may have removed or altered a berm that was to have served as the required buffer between his commercial operation and abutting properties. He suggested that, if that is the case, it may be for that reason that Mr. Lancaster is trying to avoid a site plan review. Ms. Hantz noted that she has been on the site and that the berm remains in place. Chairman Heitz noted that the first question the Building Inspector will ask when Mr. Lancaster applies for a building permit for the storage container/building composition is whether the structure complies with the existing site plan. Because it does not, he will not be able to issue a permit without at least a letter from the Planning Board advising that they approve the changes. Additionally, Mr. Lancaster never applied for or obtained an electrical permit for the wiring of the building, or a permit from the Fire Department for the wood burning apparatus that he operates for heat in the building.

Chairman Heitz advised that he will be willing to speak to the Planning Board and to the Building Inspector to get their sense of what actions on Mr. Lancaster's part will constitute compliance with the site plan and with building codes. Ms. Hantz asked if the town will forego accrual of the per day fine for non-compliance for the time period during which Mr. Heitz is in discussion with those parties. Mr. Heitz agreed that the accruing fines will cease from February 23, 2015 until such time as he obtains the information and makes it known to Ms. Hantz and/or Ms. Preston.

Both Chairman Heitz and Selectman Korn noted that a letter dated January 30, 2015 from Sheehan, Phinney, Bass & Green, written on behalf of Mr. Lancaster, indicates that a police officer and the Fire Chief had responded to the initial call reporting smoke (in November of 2015), without being in clearly marked vehicles or being in uniform and without having first called the owner. That letter referred to the incident response as "an unannounced inspection". Mr. Heitz showed a photo taken at the scene on the day of the incident showing the police officer to have been in full uniform. He noted that both vehicles used are clearly marked as being Kingston Police Department and Fire Department emergency response vehicles. He noted again that the sole purpose of the officers in being at the site on the day in question was their response to a report of heavy smoke emanating from the premises. Selectman Korn added that it is not the practice of Kingston's emergency services personnel to respond to calls in anything other than full uniform, nor is it their practice to telephone to locations prior to responding to a report of a possible emergency. Ms. Hantz advised that the conditions that led to the response did not constitute an emergency and that personnel should have made a courtesy phone call to Mr. Lancaster because the employee that had been working in the building at the time had been intimidated by the visit.

Administrative Issues

Letters to Library Trustee Alternates advising of a statutory limit to the time of their appointments were signed.

An application for a disability exemption was approved.

An application for the annual Fall Outboard Regatta on Greenwood Pond was approved.

An appointment of Nick Kotis to the Kingston Days Committee was signed.

The Board discussed with Town Clerk-Tax Collector Melissa Fowler the status of a vacancy in a State Representative seat. It's expected that a Special Primary and Special Election will occur to fill that vacancy.

Ms. Fowler also advised that she will be adjusting her office hours effective on April 1st, to more closely correspond to the Selectmen's Office hours and to provide more early morning office

hours. She will run ads in the local paper, and the new hours will be posted on Channel 21 and on the town's web site.

It was agreed that an applicant to serve as the cable operator will be offered the position on a probationary basis to televise Planning Board hearings.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz it was unanimously voted to approve the minutes of January 12, 2015.

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz it was unanimously voted to approve the minutes of February 2, 2015.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:38 pm.

The next meeting is scheduled to be held on March 2, 2015 beginning at 7:00 pm.

Respectfully submitted,

Catherine Grant
Administrative Assistant