

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of February 1, 2016  
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 Peter Broderick and George Korn.

**Non-public Session**

**MOTION:** Upon motion of Selectman Korn and second of Selectman Broderick Chairman Heitz polled the Board for a unanimous vote to adjourn to Non-public Session under the provisions of NH RSA 91-A:3, II-a.

The Board entered non-public session at 7:00 pm.

The Board returned to public session at 7:20 pm.

**Resident Discussion of Property Purchase**

Attorney Keri Marshall was present with Mike and Kelly Dobrowolski of Pennimans Grove Road. Ms. Marshall explained that the Dobrowolskis intend to purchase a parcel of land that never was designated as a separate lot at the time of the original subdivision but which is not part of the travelled way that provides access to individual lots; it extends from the travelled way to the waterfront. The Dobrowolski deed refers to the parcel and gives them rights to use the parcel as part of ownership of their lot, and Ms. Marshall has determined through her research that the Dobrowolskis are the only owners in the subdivision that were given deeded rights to use the parcel to access the water. They have contacted the heirs of the original owner, who are willing to sell the parcel to the Dobrowolskis. Ms. Marshall asked if the Town has any interest in the parcel in question or if the Town has any information that may help her in developing a metes and bounds description of the parcel, which is to become an integral part of the Dobrowolskis' existing lot. Road Agent Richard St. Hilaire advised that his only interest in the area is the travelled right of way known as Pennimans Grove Road. The Town began maintaining the right of way in the 1980's and it since has been considered at Class V roadway. He reviewed the survey map of the area and noted that there apparently is 12' of paved surface width with approximately 2' on either side included in the right of way. The travelled way extends straight to the Dobrowolski property. The Board agreed that the town has no interest in or to the parcel that the Dobrowolskis intend to purchase. However, because it extends at a 90-degree angle from the road surface to the water and because the paved surface is a dead end, there should be some language in the deed that grants easement or usage rights so that the town can plow snow onto the area or turn vehicles such as plow trucks and trash collection trucks. The Dobrowolskis agreed to that. It also was agreed that a Licensed Land Surveyor will set monuments to clearly delineate adjacent property lines. Chairman Heitz advised that the town will not get involved in any civil disputes that may arise in the area because of the intended purchase; such disputes will be a matter for the courts to adjudicate at the expense of the parties involved.

**Administrative Issues**

The Board reviewed a letter from a mortgagee of a tax-deeded property. The town had offered to work with the mortgagee to redeem unpaid taxes on behalf of the owner, but the mortgagee has declined to accept any arrangement. Chairman Heitz will discuss the matter with town

counsel and determine how to proceed with a claim for damages against a researcher that the town had used to notify mortgagees.

The Board agreed to a Planning Board request for enforcement against a Route 125 business that has violated the conditions of its approved site plan. A Notice of Violation and Cease and Desist Order will be prepared for signature at the February 8<sup>th</sup> meeting.

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

**MOTION:** Upon motion of Selectman Korn and second of Selectman Broderick, it was voted to approve the minutes of the January 25, 2016 meeting as printed. Chairman Heitz abstained from the vote.

#### **Adjournment**

There being no further business, the meeting adjourned at 7:50 pm.

**Respectfully submitted,**

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