

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of March 14, 2011  
MINUTES**

The meeting was called to order at 7:00 pm in the Selectmen's Office at the Kingston Town Hall. In attendance were Selectmen Peter Broderick and Charles Hart.

**Review of Previous Meeting Minutes**

**MOTION:** Upon motion of Selectman Hart and second of Selectman Broderick, it was voted to approved the minutes of the March 7, 2011 meeting as printed.

**Discussion of Ball Road Culvert Replacement with Abutting Landowner**

The Board discussed with Road Agent Richard St. Hilaire and with Frank Kasabian of 2 Nason Lane, the pending replacement of a culvert on Ball Road located adjacent to Mr. Kasabian's property. A man-made dam on Mr. Kasabian's property will need to be removed during construction, impacting a 20' x 30' area. Mr. Kasabian reviewed the project plans and stated that he has no objection to the temporary encroachment onto his property or the temporary removal of the dam, but advised that he doesn't wish to lose the pre-existing status of the dam that he said was established with the Department of Environmental Services several years ago and he thinks that the dam should be replaced following construction. He stated that, when the dam was removed by the Town in 2001, the area turned into a mud pit and was an environmental disaster. It subsequently had been determined that his property extends to the center of the stream bed so he owns the area in which the dam was constructed, and he had obtained from DES an after-the-fact permit for the dam. Mr. St. Hilaire advised that the Town had never received a copy of that permit and asked if Mr. Kasabian would provide a copy to him. Mr. Kasabian stated that he will forward a copy to the Selectmen's office. Mr. St. Hilaire advised that he's not happy with the dam being there, feeling that it has contributed to the area's flooding problems, however, once he has the DES permit, he will discuss with the project engineers how to proceed. Selectman Hart advised that if the matter can't be resolved, the only alternative is a public taking of the impact area, noting that the value of so small a piece - 600 s.f. ± - likely will be very small. Mr. Kasabian reiterated that he doesn't want to lose the dam permanently or lose his right to keep the dam because of its pre-existing status.

Mr. St. Hilaire advised that he would like to come onto the property in the spring to dismantle the beaver dam that's been built in the area; Mr. Kasabian agreed.

Selectmen discussed and agreed that a Public Hearing at which the overall Ball Road and Great Pond Road culvert replacement project can be reviewed should be held on March 28<sup>th</sup>. The hearing will be noticed in the paper, and individual notices will be sent to each of the property owners whose properties will be directly impacted.

### **Non-public Session**

**MOTION:** Upon motion of Selectman Hart and second of Selectman Broderick, it was unanimously voted to adjourn to non-public session under the provisions of N. H. RSA 91-A:3, II-c and b. The Board adjourned at 7:25 pm.

The Board returned to public session at 7:48 pm.

**MOTION:** Upon motion of Selectman Hart and second of Selectman Broderick, it was unanimously voted to seal the minutes of the non-public session for an indefinite period.

### **Adjournment**

There being no further business before the Board, the meeting adjourned at 7:52 pm.

Respectfully submitted,  
Catherine Grant  
Administrative Assistant