

**Kingston, New Hampshire
Board of Selectmen
Meeting of August 13, 2012
MINUTES**

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

Discussion of Clark Road Property Status

John Edney of Parsons Way was present to discuss the status of a property owned by his wife on Clark Road. At the time of the original subdivision, the lot in question was shown to have 175' of frontage along Sanborn Road and 25' along Clark. Sanborn Road never was constructed, so the parcel has only the 25' of frontage on Clark, leaving it unbuildable because the town's regulations require 200' of frontage on a town road. The owner has obtained approval for a septic design for the lot and is seeking assurance that she can build. Chairman Heitz advised that the lot has been considered unbuildable - due to its lack of frontage - for several decades and has been assessed accordingly for tax purposes. In order to change that status, the owner will have to obtain a 175' Variance to the frontage requirement from the Zoning Board of Adjustment, or will have to construct the roadway to current town standards.

Public Hearing Under the Provisions of RSA 674:54

Chairman Heitz called to order a Public Hearing requested by the Library Trustees under the provisions of N. H. Revised Statutes Annotated Chapter 674:54 relating to government use of property as it relates to local land use planning and regulatory powers. The hearing was noticed at the Kingston Town Hall as well as at the Kingston Post Office, on Kingston Public Access Channel 21, and on the town's website at www.kingstonnh.org.

Library Trustees Chair Lesley Hume provided a slide presentation relating to:

- authority of the Library Trustees to manage the library and all the property relating thereto
- status of public libraries as a community education tool
- exemption of educational institutions from local land use regulations
- the process by which the Trustees arrived at the proposal for a one-sided, interior lit sign that they intend to mount on the Church Street facing side of the new Library
- the reason for locating the sign on the building rather than at its originally planned location near the street (where the site's drainage ditch now is located),
- details of the sign proposed to be purchased
- an analysis of how the proposal relates to the existing sign ordinance, and
- the use to which the sign will be put, i.e., promotion of library programs as well as emergency notification to residents when necessary

It was noted that the intent of the Trustees is to install the sign on the building within sixty days following the Public Hearing. Ms. Hume noted that the purpose of requesting the hearing was to afford opportunity to the public to voice their opinions of the proposal. She

noted that there has been no final decision and that the Trustees will take the input gathered at the hearing under advisement as they make their decision.

Chairman Heitz thanked Ms. Hume for her presentation and opened the discussion to the public.

Glenn Coppelman of 108 Exeter Road noted that he is a Planning Board member but wished to speak as a resident. He expressed his appreciation of the work that went into the overall library project but noted that he does not support the sign proposal. He advised that the Planning Board made special provision for changeable lettering signs, but the Trustees' proposal is for an internally lighted sign, which is not allowed, that is larger than allowed in the Rural Residential zone, where the Library is located. Although he understands that there is provision for governmental uses to proceed without regard to local land use regulations, it has long been the town's position that government follows those regulations when possible. He believes that to proceed with the proposal as presented will be to erode the town's past good efforts. He asked that the Trustees revisit the possibility of designing a structure that can be put at or near the initially proposed site out near the road, without impeding the drainage system. He thanked the Board for the opportunity to put his opposition to the Trustees' proposal on record.

Ellen Faulconer of 4 Jericho Drive advised that she has been a supporter of the Library project and served on the Building Committee. She noted that the discussion held by the Trustees regarding an internally lighted sign had led to their submittal of a Warrant Article to the 2012 Town Meeting, requesting voter approval to exempt the Library from the town's sign ordinance. That Warrant Article was voted down by the Town Meeting by a 71% margin. She advised that the Planning Board and voters had worked for many years to develop an Ordinance that preserves a certain look to the town and expressed the opinion that, if the Trustees are intent on installing a sign that violates the current Ordinance, they should again approach the voters and request their support to do so, or request that the Planning Board put forth an amendment to the present Ordinance that will allow the sign as proposed.

Discussion was held concerning whether the Planning Board had been afforded the opportunity to review the sign proposal. Ms. Hume noted that she had attended a meeting at Chairman Heitz's request (he serves as the Board of Selectmen's liaison to the Planning Board), and had been told that they would not discuss the issue. Ms. Faulconer noted that Ms. Hume had approached the Board following adjournment of the meeting in question, whereupon the Board Chairman had asked that she arrange to be put on a future agenda. The Planning Board had expected to see an application, but none was forthcoming. It was agreed that there had been miscommunication, but Ms. Hume advised that her purpose in approaching the Planning Board had been to comply with Mr. Heitz's assertion to her that the Selectmen would not support the sign proposal unless the Planning Board agrees to it or the Ordinance is changed to allow it.

Ms. Faulconer noted that she believes the sign - which passing motorists will need to turn toward in order to read - will divert attention from the road in an area where there already are multiple entrances / exits and potential hazards.

A representative of the firm of Hammar & Sons, Inc. Signs Now NH of Pelham, spoke about the technology behind the proposed sign, the ways in which the sign can be used for the betterment of the community, and the way in which this sign will be used as opposed to the way it might be used on a commercial building or in a more commercial setting. He noted that the design of the sign includes lettering styles that are displayed on an angle so that they are easily viewable from multiple vistas at greater distances than has previously been the case. The Library's location close to Route 125 and Route 107 should allow messages on the sign to easily be viewed from those roadways. The desire to have the sign viewable from a greater distance without enabling the scrolling feature is the purpose of its larger size. He noted that the lighting of the sign can be dimmed from inside the Library and that the more objectionable aspects of the display, i.e., flashing, scrolling, or overly bright backlighting, can be not used. He noted that the lumens generated can be brought down to below what the Ordinance probably was adopted to prohibit.

Chairman Heitz thanked Mr. Hammar and expressed the opinion that the Library Trustees can work with the Planning Board to present an amendment to the voters of the present ordinance in light of new technology for this type of LED sign. His purpose in suggesting that the Trustees approach the Planning Board is to see if there might be a solution whereby the Planning Board can impose certain restrictions on use of the sign or vote to support amendment of the Ordinance. He continues to encourage the Trustees to work with the Planning Board for a change to the Ordinance rather than to continue to plan not to comply. He noted that the town's library has operated for more than 100 years without this type of sign and that there is ample time to prepare a proposal for amendment of the Ordinance for presentation to the 2013 Town Meeting.

Ms. Hume noted that LED signs are allowed in Kingston, although not specifically in the rural residential zone in which the library's located. However, there were multiple aspects of the overall project that didn't conform to the usual uses of property in that zone. The actual location is among several commercial uses, including a shopping center across the street, and this type of sign is allowed in commercial zones. Chairman Heitz advised that he bases his advice on the fact that the town's circuit rider advises that the proposed sign is not allowed, and that the Planning Board Chairman has concurred with that advice.

Ms. Faulconer expressed the opinion that it will be better to change the Ordinance or re-zone the parcel than to ignore a duly adopted ordinance.

Library Trustee Dannielle Genovese spoke in support of Ms. Hume's position, noting that evolving technology for this type of sign changed her initial opinion that the sign might be unsuitable. She believes the proposed sign to be a good solution to the need of the library to advertise its programs in as cost effective a way as possible. Selectman Broderick asked what the cost of the sign is. Ms. Genovese advised that the proposed sign will cost \$14,000.00.

Mark Furlong, a member of the Library Building Committee, noted that the proposed \$14,000.00 cost is \$10,000.00 less than the cost projected for the original design of a two-sided free standing sign encompassed by a stonework structure. The money is included in the overall project budget. He noted that the sign's design features allow for blending into the overall design of the Library and will save library staff from having to manually change

sign lettering since all operations can be conducted from software located on computers in the building.

Library Director Sarah Jaworski expressed her hope that any past miscommunication will not keep the town's boards from working together to serve the public in the best possible way.

Ms. Faulconer agreed, expressing the hope that the Library Trustees will decide to not proceed in opposition to the Ordinance. Ms. Hume advised that the Trustees are of the opinion that government purposes often exceed the scope of use that local ordinances are meant to regulate, which is why the legislature made provision for projects of this type to be exempt from compliance with local ordinances. It's the Trustees' intent to complete the library that will best serve the needs of the public.

Chairman Heitz ended public input at 8:55 pm.

Selectman Korn congratulated Ms. Hume on her presentation, but advised that he does not support their proposal because it fails to comply with the Ordinance. He advised that just because they can proceed in non-compliance doesn't mean that they should.

Selectman Broderick asked at what point the Trustees will be making a final decision. Ms. Hume advised that they will be meeting the following evening. Selectman Broderick advised that the town has enforced the sign ordinance against two local businesses in the past month and believes that it is hypocritical for the town to enforce an ordinance that it doesn't follow itself. He voiced the opinion that the proposal is for an attractive nuisance that violates three or four points of the ordinance, and that the Trustees appear to intend to proceed with the proposal even though the Town Meeting specifically voted against exempting the Library from the terms of the Ordinance. He stated that he does not support the proposal.

Chairman Heitz advised that he's very bothered if there's an appearance that the town's Boards can't work together. He reiterated that the Selectmen try always to adhere to the town's ordinances and that, while he agrees that there are some government uses that require a level of non-compliance by their very nature, he finds this proposal troubling because he knows that there has been a clear recognition by the Library Trustees that the sign ordinance could be problematic. They went to the townspeople and asked their will and were told that the townspeople expect compliance. He stated his belief that it is wrong to ignore that vote and he sees the present efforts of the Trustees as a mechanism to circumvent what obviously is what the voters want. He once again urged the Trustees to work with the Planning Board to resolve the issue of non-compliance through amendment of the ordinance or re-zoning of the parcel.

Chairman Heitz closed the Public Hearing at 9:07 pm and thanked all present for their participation.

Household Hazardous Waste Grant Acceptance

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz it was voted to accept a grant from the Department of Environmental Services in the amount of \$4,302.00

to help defray the cost of an October 27th Hazardous Waste Collection to be held at Swasey Gymnasium. Selectman Broderick abstained from the vote.

Preliminary Plan Review for Right of Way Agreement

Ken Weyler and Tim Lavelle of the Masons briefly reviewed with the Board a draft plan of a proposal for agreements relating to rights of way from Church Street to Greenwood Pond. A meeting of all concerned parties is scheduled for Friday, August 17th, at 2:00 pm.

Request for Perambulation of East Kingston Town Line

The Board reviewed a request from East Kingston that arrangements be made for perambulation of the town line separating the two communities. Road Agent Richard St. Hilaire will be requested to arrange for a walk of the line.

RERP Notification Reviewed

The Board reviewed notice from the N. H. Department of Safety that \$13,620.00 has been allocated for Kingston's participation in the Radiological Emergency Response Program in 2013. Copies will be provided to the town's three Emergency Management Directors.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Korn and second of Chairman Heitz it was voted to approve the minutes of the July 30, 2012 meeting as printed. Selectman Broderick abstained from the vote.

Adjournment

There being no further business before the Board, the meeting adjourned at 9:28 pm and the Board retired to address administrative issues.

Respectfully submitted,
Catherine Grant
Administrative Assistant