

**Kingston, New Hampshire
Board of Selectmen
Meeting of December 23, 2013
MINUTES**

The meeting was called to order at 6:30 pm in the Selectmen's Office of the Kingston Town Hall. In attendance were Chairman Mark Heitz and Selectman Peter Broderick.

Fire Department Discussion

Fire Chief Bill Seaman and Deputy Chiefs Rick Fowler and Marty Conlon were present to discuss with the Board their intent to request \$85,000.00 for the Fire Apparatus Capital Reserve Fund and \$75,000.00 for the Fire Department Building Fund at the 2014 Town Meeting. He noted that requests for the Building Fund haven't been made for several years due to the state of the economy and the fact that other building projects - notably the school and library - were being addressed.

The Board agreed that they will include the two articles on the Warrant.

Chief Seaman then advised that he will be sponsoring three High School Seniors as interns in the department. The students will be insured by the School District and will work for approximately 1.5 hours of each school day, beginning in January.

Discussion of Land Use Violation Status

Jeff Sands of 6 Sands Lane was present with his attorney, Sharon Somers, to discuss a Notice of Violation sent to him in November. Ms. Somers advised that Mr. Sands has worked with a septic designer and with an abutter to develop a shared system design that will enable him to achieve DES approval for year round occupancy. He already has received conditional approval and now is drafting the necessary easement and abutter agreement, both of which will be recorded. He also is required to obtain a Shoreline Protection permit, which is pending.

The Board had received a letter from an abutter of the Sands property - also the intervener in a previous case brought by the Department of Environmental Services against Mr. Sands - requesting that the court that had ruled on the issue of seasonal designation formally vacate that decision for the record. Ms. Somers noted that the court had left open the option for Mr. Sands to pursue year round occupancy status by redesign of the septic system, but advised that she understands the abutters' concerns as well as the concerns of the town and will petition the court to provide a statement once the new design is approved and the easements and agreements are on record. She also advised that she will request that DES emphatically state that the 2000 decision relative to occupancy is superseded by acceptance of the new plan.

Robert Ducharme of 31 Main Street advised that he has concerns about a 20' deeded right of way to which he should have access. It was noted that a prior court ruling had established the width of that right of way at 9' and that the exact location of the right of way hasn't been established. A copy of the proposed septic design plan on which the right of way is depicted was provided to Mr. Ducharme and to abutter Joyce Francis, but Chairman Heitz noted that individual property rights are not addressed by the town. Mr. Ducharme also asked if he would have continuous access to the water during construction of the proposed system, and Mr. Sands assured him that he will.

Joyce Francis advised that the present septic system on the Sands property appears to be in failure. She is particularly concerned because her well is only 57' from the Sands leach field. Selectman Broderick, who also is the Health Officer, advised that he would inspect the system the following morning and, if it is in failure, will require a pumping regimen until the system is replaced.

Chairman Heitz advised that, although there is an outstanding Notice of Violation, by the time the Town completes the process of documenting the violation, filing with the court and prosecuting the case, Mr. Sands will have obtained the necessary approvals and installed the new system and will be able to demonstrate to the court his compliance with state and local requirements. Ms. Somers assured the Board that her client will move forward to get the property into compliance.

Ms. Francis noted certain other violations relative to building setbacks for a 3-sided shelter and a concrete pad. She was advised to discuss those matters with the Building Inspector if she believes no permits were issued for the improvements.

Administrative Matters

It was agreed that review of the minutes of the December 9, 2013 meeting will be postponed until a full Board is present.

It was agreed that a work session will be held on January 31st at 9:00 am to determine the encumbrances from 2013 line items.

A Notice of Violation was signed for a non-compliant sign in the Historic District.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:40 pm.

**Respectfully submitted,
Catherine Grant
Administrative Assistant**