

**Kingston, New Hampshire
Board of Selectmen
Meeting of April 7, 2014
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.

Review of Department Request for ZBA Re-Hearing

Planning Board alternate member and administrative assistant Ellen Faulconer and Building Inspector Robert Steward were present to discuss with the Board a memo from Ms. Faulconer, Mr. Steward, Electrical Inspector Joe Thompson, Road Agent Rich St. Hilaire, and Fire Chief Bill Seaman requesting that the Selectmen petition for a re-hearing by the Zoning Board of Adjustment of a case heard by them in March. The memo cites information that the Zoning Board may not have had, including state statutes relating to the granting of Equitable Waivers and information as to an existing right of way to conservation property that the developer in question was proposing to replace. The memo indicates that had the ZBA members been aware of the information, their decision in the matter may have been different.

It was noted that, following granting of relief by the ZBA in the form of an Equitable Waiver (which effectively granted a Variance for the setback of a driveway to the property's proposed boundary line), a Lot Line Adjustment plan was approved and recorded by the Planning Board setting that boundary line in its proposed location, with the driveway in question being within 3'. The same Lot Line Adjustment plan created the replacement right of way to conservation property and transferred a .7 acre portion of the subject lot to an adjoining parcel, ownership of which since has been transferred. It also was noted that the property in question was sold once the Lot Line Adjustment plan was recorded, and that the new owners have moved in and are occupying the residence there.

Selectman Peter Broderick and Selectman George Korn expressed the opinion that the Board should support its inspectors and employees and opted to request the re-hearing. A letter will be sent to the Zoning Board of Adjustment Chairman.

Discussion of Commercial Condominium Occupancy Inspection Status

Natasha Little, tenant and Condominium Association President for the Commerce Park Commercial Condominiums, discussed with the Board a situation whereby one oversized unit had been divided into two individual units that were to have been separated by a firewall, however the only division that actually was constructed was a stud and sheetrock wall that fails to meet code. Building Inspector Robert Steward advised that he will look into the matter. Ms. Little also asked what the status of the property's site plan is, given that only two of the proposed three buildings have been constructed. All of the units in the existing two buildings have been sold by the developer, but she has learned that he intends to sell construction rights to the third building and wonders what ownership rights she and other condominium owners may have, given that they've been paying divided shares of the annual property tax bills. Planning Board alternate member Ellen Faulconer advised that the association may want to consult a lawyer about the situation.

General Administration

Selectman Broderick reported on his attendance at the Budget Committee work session held on April 6, 2014.

Selectmen reviewed field use requests submitted by the Adult Softball and Sanborn Junior Indian Football leagues. Selectman Broderick will review field use rules and determine what conditions need to be imposed on the permits.

The Board approved Castle Court and Monarch Way as road names for a proposed Marshall Road elderly housing development.

Appointment papers for extension of the terms of Ellen Faulconer's and Richard St. Hilaire's alternate positions on the Planning Board were signed.

Letters to residents of Wilders Grove Road, advising that the name of the road will be changed to Country Pond Road within the next few weeks, were signed. The Police Department has purchased and will distribute reflective house numbers for the homes along the road, and the new road sign will be installed as soon as the frost is out of the ground. The change was suggested by the state Emergency 911 office because as the road extends into Newton it becomes Country Pond Road. It's felt that having the same name through both towns minimizes confusion for emergency response services.

It was agreed that Selectman Broderick will speak with the School District IT department to see if they are interested in assisting the town with operation of its cable channel. Alternatively, the town may contact the person who works on Newton's cable station to request technical assistance.

Acceptance of Radiologic Emergency Response Plan

MOTION: Upon motion of Selectman Broderick and second of Selectman Korn it was unanimously voted to accept the 2014 Radiologic Emergency Response Plan presented by Emergency Management Directors Richard St. Hilaire, Bill Seaman and Don Briggs for approval. The plan already has been approved by state Emergency Management and by FEMA.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Korn and second of Selectman Broderick it was unanimously voted to accept the minutes of the March 17, 2014 Selectmen's meeting as printed.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:17 pm.

**Respectfully submitted,
Catherine Grant
Administrative Assistant**