

**Kingston, New Hampshire
Board of Selectmen
Meeting of May 23, 2011
MINUTES**

The meeting was called to order at 6:59 pm in the Main Meeting Room at the Kingston Town Hall. In attendance were Chairman Peter Broderick and Selectman Mark Heitz.

Planning Board Access Management Discussion

Planning Board Chairman Richard Wilson, Planning Board member Glenn Coppelman, Road Agent Richard St. Hilaire, and Police Chief Donald Briggs were present to discuss a proposal for layout of a road from Dorre Road to Roadstone Drive. The road would cross a site under review to be developed as a concrete plant by Brox Industries, Inc. Also present were John and Brenda Galloway, owners of property adjacent to the Brox property. The Galloway property includes Roadstone Drive - a private road. Brox Industries hopes to tie into Roadstone from their connector road. Approximately 1000' of Roadstone is proposed to become a public roadway, extending from the connector road to Route 125.

Mr. Wilson explained that a previous conversation (at the Selectmen's meeting of March 21, 2011) had been held at which was discussed the benefits of diverting industrial traffic away from Dorre Road - a partially residential Class V road to the north of the Brox property. That road now services Torromeo Industries and also is accessible to the Brox properties. A new public way extending from Dorre Road across the Brox Property, tying into Roadstone and exiting onto Route 125 at what will be a lighted intersection once the Route 125 Corridor project is completed, is under consideration. That proposed roadway would serve the industrial properties owned by Torromeo, Brox and Galloway. Safety would be improved, it is thought, by the direction of industrial traffic to a signaled intersection. Also, once Route 125 is reconstructed as a four-lane divided highway, the proposal would allow trucks to go either north or south rather than requiring that north-heading traffic exiting from Dorre turn south and have to reverse direction. The proposal is for Brox and Torromeo to contribute the materials and labor for building of the new 60' right of way, and for the Town to arrange for acquisition of that part of the Galloways' private road that is necessary for the project. The whole configuration was presented as part of the Brox Industries site plan proposal for the concrete plant.

Police Chief Briggs advised that diversion of all industrial traffic to a signalized intersection will improve safety, and suggested that, if for any reason that intersection can't be at Roadstone, the State will be willing to change their plan. It's possible that the signalized intersection can be located at Dorre Road rather than at Roadstone. If acquisition of the portion of Roadstone necessary for the Brox proposal is too expensive or if the Galloways don't want to allow a portion of their private road to become public, there are alternatives. Since Brox and Torromeo are proposing to upgrade a right of way through the Brox property anyway, they may be amendable to an upgrade of Dorre Road to better handle the increased traffic.

John Galloway expressed the opinion that multiple meetings had been held over a number of years between town officials and state DOT engineers. Any concerns for safety should have been addressed at those meetings. To put the signaled intersection at Dorre Road rather than at Roadstone, as DOT plans now call for, a cemetery directly across the highway from Dorre road would have to be relocated - something that he doesn't believe the state intends to do. Also, part of the case for diversion of industrial traffic is that Dorre Road is partly residential, so using Dorre Road as the sole signalized intersection would only intensify that issue. He also noted that any safety issues could be greatly exacerbated if Roadstone were made a public road. A public road in that location will provide approved access to adjacent property that then

could be commercially developed. Commercial development would lead to increased vehicular and pedestrian traffic, along with the increased industrial traffic being diverted from Dorre Road to Roadstone. The traffic on Roadstone is restricted at present to only the industrial traffic from the businesses on Mr. Galloway's property.

Selectman Heitz stated that he wished to make clear Mr. Galloway's position. He asked if Mr. Galloway is opposed to the use of any portion of Roadstone Drive as part of a public way extending from Dorre Road to Route 125. Mr. Galloway stated that he is opposed to making any part of Roadstone a public way. He suggested that Brox has the ability to construct a road through his own properties and that Roadstone and Brox's road then can intersect with Route 125 at a common point. The state would only need to adjust their plans to move the lights 25 to 50 feet north from where the current plan shows them. Chief Briggs advised that Brox Industries feels they have easement rights to use Roadstone. Mr. Galloway advised that the matter is still being litigated.

Chairman Broderick suggested that the state DOT be contacted and asked to send an engineer to advise what the best alternative will be. Road Agent Richard St. Hilaire advised that the state wants the town to make that decision. He expressed the opinion that it would be a waste of time to have a state engineer come when it's the town that needs to decide where the intersection will be. Chief Briggs stated that he's been advised by DOT that they will not move forward on the 125 project until the town and all interested parties have reached agreement on where that signaled intersection will be.

Mr. Galloway advised that he thinks the town will find it difficult to take his private property by eminent domain when there are multiple alternatives - including an existing Class V roadway - that can serve the purpose of providing access to the properties in the Industrial Zone, and when the safety issues cited could actually be made worse with the proposed taking.

Mr. Wilson suggested that the town's assessor be requested to review the situation, including the fact that by making part of Roadstone Drive a public road, several potential lots will gain frontage along a public road and make them accessible for development. That financial benefit to Mr. Galloway may offset any value to the town for the property to be taken so the town could conceivably acquire the section of Roadstone necessary for the proposal at very little cost. He noted that this is an opportunity for the town to get the connector between Dorre and Roadstone constructed at very little cost to the town, and it's a configuration that will open the town's only industrial area to increased development, which could be of great benefit to the tax base. Mr. Coppelman advised that the DOT project may be indefinitely deferred since it was going to be financed with a \$30 vehicle registration surcharge that has been discontinued. Mr. Wilson suggested that, even if the 125 reconstruction project is delayed for 20 years, establishing the road network now at little or no cost will be a huge benefit.

Selectman Heitz suggested that the Planning Board require Brox Industries to lay out within its property the 60' right of way that eventually may serve as a connector between Dorre Road and Roadstone. He noted that in future years the parties may see the situation differently and the Galloways may want to make a portion of Roadstone public so that their property can be more fully developed, which is not the case now.

Chief Briggs reiterated that there is a safety hazard now that would be greatly alleviated by having all industrial traffic enter onto Route 125 at Roadstone rather than have both Dorre and Roadstone in use. Mr. St. Hilaire agreed that the best solution is to allow Brox to construct the connector between Dorre and Roadstone now, and to upgrade the first 500' - 1000' or so of Roadstone - laid out along the boundary line between the Galloway and Brox properties - in order to benefit everyone involved. Mr. Wilson agreed that, from a Planning perspective, the

use of Roadstone is the most beneficial of the available alternatives. He advised that he thinks a citizens petition requiring a taking by the town may be submitted.

Selectman Heitz advised that the Board will consult with the town's land use attorney to request an opinion as to whether an eminent domain seizure is feasible in a case where there's an adjacent Class V roadway that can serve the same purpose as that proposed by the taking. He repeated that he hopes the Planning Board will continue to consider the 60' right of way easement between Dorre and Roadstone, as shown on the Brox site plan, to be a requirement for that approval.

Review of Previous Meeting Minutes

MOTION: Upon motion of Selectman Heitz and second of Selectmen Broderick, it was voted to accept the minutes of the May 16, 2011 Selectmen's meeting as printed.

Adjournment

There being no further business before the Board, the meeting adjourned at 8:29 pm and the Board retired to address administrative issues.

Respectfully submitted,
Catherine Grant
Administrative Assistant