

**Kingston, New Hampshire  
Board of Selectmen  
Meeting of March 25, 2019  
FINAL MINUTES**

The meeting was called to order at 6:27 PM in the Selectmen's Office at the Town Hall.

**PRESENT:** Chairman Mark Heitz; Phillip Coombs, Kevin St. James, Donald Briggs, Jr., Richard G. Wilson, Selectmen.

**Administrative: Applications, Purchase Orders, Correspondence:**

- Committee re-appointments: Heritage, Conservation - Request they come in on April 1.
- Application for facilities use: Kingston Adult Softball - Approved
- Veterans exemption for surviving spouse (1)- Approved.
- Elderly exemption application (1) - More information requested.
- Contract for Cemetery mowing (Cemetery Trustees) - Information only; implemented by Trustees.
- RPC dues for 2019 (info)
- Hampstead total compensation survey results (info)
- NH House approves HB 365 (Net Metering) (info)- Decision read into the record by the Chairman.

**Non-Public Session**

**MOTION:** Upon motion of Selectman St. James, **SECOND** of Selectman Briggs, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (a): Personnel

**In Favor: Heitz, Briggs, St. James, Coombs, Wilson; Motion passed.**

The Board adjourned at 6:28 pm

**MOTION:** Upon motion of Selectman St. James, **SECOND** of Selectman Coombs, it was voted by roll call to return to public session at 7:00 PM.

**In Favor: Heitz, Briggs, Coombs, St. James, Wilson; Motion passed.**

**MOTION:** By Selectman Briggs, to seal the minutes of the non-public session for an indefinite length of time, as releasing the minutes would affect adversely the reputation of any person other than a member of this board.

**SECOND:** By Selectman Coombs

**In Favor: Heitz, Briggs, Coombs St. James, Wilson; Motion passed.**

**SCHEDULED APPOINTMENTS:**

**PUBLIC HEARING, NH DOT Route 125 Project: Tobey Reynolds, NH DOT.**

Department of Transportation personnel present to discuss this project were Tobey Reynolds, Highway Design; Victoria Chase, current Project Manager; Maggie Baldwin, Highway Design, and Darren Blood of the engineering consulting firm working for DOT, GM2 Associates.

Mr. Reynolds referred to printed information he shared with Selectmen and those present, which included a location map, a portion of the 2004 hearing map, project limits, traffic volume trends, and a history of projects resulting from the Corridor Study. He said he hoped to cover the current stage of the project and where it is going, but that his main focus tonight is to get the public participation part of the design process in motion.

Mr. Reynolds pointed out that this is the last project of five from the 2004 public hearing on the Rte 125 Corridor. It is 1.7 miles, starting just north of Old County Road and ending at the Newton Junction intersection. He gave a description of the area, crash history in the last 10 years, and traffic volume information. He compared traffic volume anticipated in 1999 with actual traffic counts done in Lee and in Kingston, concluding that the traffic has not increased in the area, as had been projected.

Mr. Reynolds described the work already done to the south in Plaistow, with 2 lanes on each side and a center median, designed to help with access management. He said the left hand turns are more controlled, and turnarounds are provided; there are also intermittent emergency turnarounds, in more locations than for normal traffic. He said that it is hard to control who is using the turnarounds other than signage and enforcement.

Mr. Reynolds gave some detail on the project as it currently stands, but emphasized that what he really wants to talk about tonight is public participation in the design phase. He said he does not anticipate going to another full Public Hearing; he said he hopes that impacts that result from the project are still within the boundaries identified in 2004. However, he added that as it has been so long, and because of changes that have taken place, he feels that there is need to get additional input.

To start off, he suggested that a small working group of 9 to 12 members be formed to get input from local residents and business owners. This group would be responsible for reaching back to the community members and areas they specialize in to get additional input, and identify what the community actually wants to see in this project. He suggested that this group would meet every 6 weeks or so for the next 10 to 12 months.

After getting feedback from the working group and meeting with them, NH DOT will move on to a public information meeting, not as formal as a Public Hearing, but abutters and public officials will be invited. If most of the feedback is positive at that point, DOT will move on to the final design. Mr. Reynolds said he is looking for thoughts on this process.

Selectman Briggs said that he had sat on the committee on the Corridor Study for a number of years, and said he has noted that changes have been made. He said that at the time, they found that by blocking access to emergency vehicles from the opposite side of the road, serious issues were created. He said that at the time he did research with the Florida DOT, and NH DOT had agreed to look at the "Florida concept". He said the area in between MB Tractor and Sanborn's Candy shows this concept, and that it works for both businesses and emergency access. It gets the vehicle off the road so it

won't be rear-ended. Selectman Briggs asked why this plan recommended by the community was not followed in Plaistow; he said that a median all the way down was not in the agreement.

Ms. Chase asked for clarification on the Florida concept, and then said that something similar was constructed in a prior project, but as the area could not be plowed, they had to re-design it. Selectman Briggs said that DOT does plow the area he mentioned, and does it well. He said his recommendation to the Board is to do nothing but what was originally decided, as the first "bite of the apple" proved to be very safe.

Selectman St. James asked how the traffic volume numbers were so far off the projected numbers, and said he thinks the road should still be built for higher volume as there will be improvement and the road should be built once.

Mr. Reynolds said that the Lee counter is used for traffic modeling in other places based on growth; even though it is far away from Kingston, it is a similar corridor with diminished commuter traffic. He pointed out on the graph that the traffic volume trend in Kingston followed the Lee counter data until around 2004, then flattened out. He also pointed to a line on the graph showing real traffic numbers for Route 125 at the Kingston line, which reflect traffic continuing to diminish.

There was a discussion of the scope of the project. Selectman Briggs said that on the original plan, the project did not stop at Hunt Road, but went to the fairgrounds. He also said that the priority area, the most dangerous section, is not included. Ms. Chase said that the scope of the projects go through the regional planning commission and should be on the 10-year plan. Selectman Briggs said it was put on the 10-year plan twice. Ms. Chase said she was not aware of that section, that the scope, length and limits have been consistent. Mr. Reynolds said he would take the information back to the regional planning commission and find out what happened.

Mr. Reynolds said that the idea of the working group is to help drive important elements and not miss points such as are being raised this evening. He said as far as what section to do first, the concept still works on either section, and it will be decided where to focus priorities. Chairman Heitz said he would like the focus to be on safety, and addressing problem areas more than increasing capacity.

The process of setting up a working group was discussed; Mr. Reynolds suggested that a representative of the following entities should be included: Rockingham Planning Commission; Town of Plaistow; Kingston Selectmen, Planning Board, Highway, Police and Fire Departments; the Exeter area Chamber of Commerce, an area business association or business representatives from the corridor. He said this should be a small group of about 9.

### **Public Comment I**

Several members of the public present wished to speak on this topic.

1. Robert Geoffrey, owner of a business on Route 125, said that the median in Plaistow is full of weeds and trash. He also said that to get to his business, those

traveling south have to go through Larry's Clam Bar to turn around, and posed the question whether this is good for business. Mr. Reynolds said that this is the sort of input that they wanted, and that they are not proposing to stay with the original plan. It was determined that the Town of Plaistow is responsible for maintaining the median.

2. Dee Voss of the Plaistow Planning office said that they are responsible for maintenance, and the problem has been that there is not a safe place to put people to do the cleanup and landscaping, and there is no place to get water. She said they are looking for ways to improve the situation. Selectman Briggs asked if the Plaistow Planning Office had heard from businesses, and Ms. Voss said they had not. Chairman Heitz said that a complete barrier all the way up would be better for safety but horrible for business owners. Ms. Voss said that she felt there is a learning curve for those who want to use the businesses to plan a route, and added that there are plenty of lighted turns.
3. Dave Walker of the Rockingham Planning Commission (RPC) said he was on the commission when the corridor study was done in 1999, and his recollection is that the 10-year plan was concentrated on Hunt Road south, and little if no property the north was included. He said the environmental assessment done was probably focused on the same area, and that if the project was now moved to the north, the DOT would have to start from scratch. He said that this project was dropped out of the 10-year plan when there were serious financial constraint issues and it was seen as a lower priority, but was reinstated later. At that time, it was suggested that DOT look at the scope again as the traffic levels were not close to projected. Mr. Walker said that he has not heard it said tonight, but he hopes that DOT will be looking at what is needed based on the lower traffic flow, and what it makes sense to build. He said he does not think as large a project is needed here now.

Ms. Chase said that Mr. Reynolds was trying to get at this idea, and that this is the basis of the working group. She added that she had talked to Chief Briggs quite a while ago with the same message, that if the project is changing, it will need to start over, come through the regional planning commission, have new environmental documents and a new public hearing. In essence, it would be a new project. Mr. Walker said that they could work within the current project but concentrate on areas of concern. He said there are also projects through the Highway Safety Improvement program, for quicker improvements rather than going through the 10-year plan. He said these shorter term projects may be another way to pursue the northern section highway safety improvements. Mr. Reynolds added that these projects have to be supported by actual crash data, and built to correct the types of crashes happening in that area, supported by a benefit to cost ratio.

4. Tom Grier, owner of Landscapers Depot, said he went to businesses on Route 125 to see if he is the only one opposed to a median. He ended up compiling a list in excess of 25 people opposed to the median, which he gave to the Selectmen's administrator. He said they do not want the area devalued by a median such as in Plaistow.

Chairman Heitz commented that he thinks the state DOT came here tonight to say the project is significantly different than before, to listen and to work with the Town and businesses. He said that if traffic were to escalate, a median may be needed, but maybe in the area of Mr. Grier's business a center turning lane would make more sense, that would leave room for a change in the future as needed. He added that he could say the Town is not interested in maintaining green space in the median, and if it came to that, it would be concrete.

Mr. Grier, saying he can't visualize large tractor trailers making the turn without causing an accident, said a center turning lane rather than a median makes the most sense.

5. Travis McConnell, owner of a business on Route 125, said that the state won't plow a personal turnoff, so the third lane he was required to put in, they will not plow. He said this is something that should be considered.
6. Lesley Hume of Kingston, thanking Chief Briggs and all the others who have been involved in this project since the late 80's, said she liked the approach the State took at the beginning, speaking to every property owner affected. She wondered if in the working group process, there would still be the ability for the State to talk to all affected property owners one-on-one. Ms. Chase said that they meet with every property owner that will have impacts. Ms. Hume said that MPO and TACS should be on the advisory committee. She also made the comment that a reason the traffic has reduced is that shopping has been built up in Epping, which has caused shoppers to bypass Kingston and go north rather than south to Plaistow. She also said that the original plan for Plaistow included service roads that would interconnect to get to a central point, but that through design and decision Plaistow eliminated almost all of the common access points. She said Kingston should not make this same mistake.

Chairman Heitz asked if the main point of contact would be Mr. Reynolds. Mr. Reynolds said he would be the contact for now, during the transition period. He will be in touch with the Selectmen's administrator about setting up the working group. Selectman Coombs said that if anyone does have an interest in serving on this committee to contact the Town.

## **OLD BUSINESS**

### **Highway: Recreation Project**

Road Agent Rich St. Hilaire addressed the Selectmen about the work his department is doing at the Recreation property (24 Main Street), removing trees from the area where a playing field is to be built. He reported that the Heritage Commission has concerns about possible native American artifacts in the area and wants to have an architectural assessment of the property done. He said that the trees are cut and his next step will be digging posts; he wanted to know if it is all right to proceed.

Selectman Coombs said he had attended the Heritage Commission meeting and they did not have a timeline and cost for doing an assessment and did not ask to be on this agenda.

There was a discussion of the clearing of the property and where the paved parking area will be. Mr. St. Hilaire said that he understands the issue, but this is also the time to get this project done, and he would like to start digging stumps by Monday April 1. Selectman Coombs said that the new Heritage representative can follow up to find out if excavating stumps will affect anything; he said it was thought this might be an important area and the state thinks it should be looked at. It was decided to wait a week and get more information; Mr. St. Hilaire said he would not be working on the stumps until next Monday anyway.

### **Selectmen's Policies and Procedures**

There was a brief review of this policy; Selectman St. James said that it should be amended to say that Robert's Rules of Order would be followed. This will be added under "Conduct of Meetings".

**MOTION:** by Selectman St. James, to adopt the Selectmen's Policies and Procedures, as amended.

**SECOND:** by Selectman Coombs.

**All in favor.**

### **PLANNING/ZONING**

#### **Site Plan compliance at 111 Route 125 and 9 Main Street**

Selectman Briggs reported that he had followed up on these two properties. He said he spoke to representatives at Safeway (9 Main Street), who were amenable and immediately cleared away about 35 cars that were improperly stored. He said he spoke to them about the start time, and they will be moving a few more vehicles. Selectman Coombs said that after the last Planning Board meeting a letter was going to be sent to the new lessee of the property to be sure they are aware of the site plan constraints.

Selectman Briggs also spoke to someone at 111 Route 125, and said the original owner from ECSI was still there. He said there are vehicles stored where they should not be, and daily activity, so there will need to be enforcement action. He gave a brief review of the history of the problems on the property, including that the site plan had been revoked by the Planning Board, and the Court had upheld this action in September of 2017. With no site plan in place, there is to be no activity.

**MOTION:** by Selectman St. James, to send a Cease and Desist letter by certified letter and also hand-delivery to the owner of 111 Route 125.

**SECOND:** by Selectman Coombs.

**All in favor.**

#### **Code Complaint: Rooster**

There was a discussion during non-public session on the topic of the Zoning amendment voted in on March 12, prohibiting roosters in the Single Family Residential zone. A complaint has been received about a neighbor owning a rooster. In discussion, the Selectmen agreed that in general, any new law allows for grandfathering, and that in this case, if the rooster was owned by the neighbor before the new ordinance was approved, it can stay. However, adding new roosters to the property would not be

allowed. It was agreed that there are problems with the ordinance not being more specific or including provisions for enforcement.

## **NEW BUSINESS**

### **Commerce Park Condominiums**

A letter has been received by the Town Clerk from the Commerce Park Condominium Association's lawyer, asking the Town to not issue a building permit for a third building at 17 Route 125. This was given to the Building Inspector, who has asked the Board for guidance. No permit is currently in front of the Building Inspector for this property.

There was a discussion of the background of the property; Selectman Coombs said that he did not think this was a Planning Board issue as they have a valid site plan. The letter alleges that building a third building now would be outside the time frame allowed, and is subject to a vote of the Condominium Association.

It was decided to reach out to Town Planner Glenn Greenwood to research the file, and also to Town Counsel.

### **Collective Heating Oil and Propane Bid**

The Board considered an email received from Matt Angell from the School's Business Administration office, asking if the Town would be interested in purchasing heating oil and propane collectively in order to keep the cost down. The Town of Newton has been asked as well, but are already in a contract.

The Board was interested in finding out more information on prices paid by the School as compared to what the Town has been paying.

## **APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectman St. James to approve the public session meeting minutes of March 18, 2019, as written.

**SECOND:** by Selectman Briggs.

**In favor: Heitz, Briggs, Coombs, St. James; Abstain: Wilson.**

## **REORGANIZATION OF THE BOARD**

After some discussion of recent earlier meeting start times, it was decided that after the April 1 meeting, which starts with a 6:30 non-public session, meetings will begin at 7:00 PM each week. The summer schedule of meeting every other week will begin after Memorial Day and run through Labor Day.

## **BOARD APPOINTMENTS**

### **Chairman:**

**MOTION:** by Selectman Briggs, to reappoint Selectman Heitz as Chairman.

**SECOND:** by Selectman Wilson.

**In Favor: Briggs, Wilson, Heitz. Abstain: St. James, Coombs. Passed.**

### **Vice Chairman:**

**MOTION:** by Selectman Wilson, to appoint Selectman St. James as Vice Chairman.

**SECOND:** by Selectman Briggs.

In discussion it was noted that this is a new position approved with the new Selectmen's Policy.

**In Favor: Briggs, Wilson, Heitz, Coombs. Abstain: St. James. Passed.**

**Planning Board Ex-Officio:**

**MOTION:** by Selectman Wilson, to reappoint Selectman Coombs as Planning Board Representative.

**SECOND:** by Selectman Briggs.

In discussion, Selectman Coombs said he is willing to continue, but will be an abutter on some cases coming up. He said it was his understanding that the Select Board Chair would have to sit in for him.

**In Favor: Briggs, Wilson, Heitz, St. James. Abstain: Coombs. Passed.**

\*Planning Board Chairman Glenn Coppelman was present and researched the matter of who can replace the Selectmen's Representative on the Planning Board when he needs to recuse himself. Later in the meeting he informed that Board that per RSA 673:11, this Board needs to designate its own Alternate Ex Officio. It was decided to name Selectman Wilson as Alternate for Selectman Coombs on the Planning Board.

**Budget Committee:**

**MOTION:** by Selectman Briggs, to appoint Selectman St. James as Selectmen's Representative to the Budget Committee.

**SECOND:** by Selectman Coombs.

**All in favor.**

**Capital Improvement Committee:**

**MOTION:** by Chairman Heitz, to appoint Selectman Coombs as Selectmen's Representative to the Capital Improvement Committee.

**SECOND:** by Selectman St. James.

**All in favor.**

**Cable Television Committee:**

**MOTION:** by Selectman St. James, to appoint Selectman Briggs as Selectmen's Representative to the Cable Television Committee.

**SECOND:** by Chairman Heitz.

**All in favor.**

**Municipal Records Committee:**

**MOTION:** by Selectman Coombs, to appoint Selectman Briggs as Selectmen's Representative to the Municipal Records Committee.

**SECOND:** by Selectman St. James.

**All in favor.**

**Heritage Commission; Historic District Commission; Conservation Commission:**

**MOTION:** by Selectman St. James, to appoint Selectman Wilson as Selectmen's Representative to the Heritage Commission, Historic District Commission, and



Conservation Commission.

**SECOND:** by Selectman Briggs.

**All in favor.**

**Fire Station Building Committee:**

**MOTION:** by Selectman Coombs, to appoint Selectman St. James as Selectmen's Representative to the Fire Station Building Committee.

**SECOND:** by Chairman Heitz.

**In favor: Heitz, Briggs, Coombs, Wilson; Abstain: St. James; Passed**

Selectman Briggs volunteered to serve on the new committee to be formed for the Route 125 DOT project, and also as a liaison to the School.

**Non-Public Session**

**MOTION:** Upon motion of Selectman St. James, **SECOND** of Selectman Wilson, it was voted by roll call to adjourn to Non-Public session under the provisions of NH RSA 91-A:3, II (a): Personnel, and NH RSA 91-A:3, II (l): Consideration of legal advice, and NH RSA 91-A:3, II (c): Matters which if discussed in public would likely affect adversely the reputation of a person other than this board.

**In Favor: Heitz, Briggs, St. James, Coombs, Wilson; Motion passed.**

The Board adjourned at 9:29 PM

**MOTION:** Upon motion of Selectman Coombs, **SECOND** of Selectman St. James it was voted by roll call to return to public session at 10:10 PM.

**In Favor: Heitz, Briggs, Coombs, St. James; Motion passed.**

**MOTION:** By Selectman Briggs, to seal the minutes of the non-public session for an indefinite length of time, as releasing the minutes would affect adversely the reputation of any person other than a member of this board.

**SECOND:** By Selectman Coombs

**In Favor: Heitz, Briggs, Coombs St. James; Motion passed.**

**APPROVAL OF NON-PUBLIC MEETING MINUTES:**

**MOTION:** by Selectman St. James to approve the non-public session meeting minutes of March 18, 2019, as amended during non-public session.

**SECOND:** by Selectman Briggs.

**In favor: Heitz, Briggs, Coombs, St. James; Abstain: Wilson; Passed.**

**Adjournment:**

**MOTION:** by Chairman St James to adjourn at 10:14 PM

**SECOND:** by Selectman Coombs.

**All in favor.**

Respectfully submitted,  
Susan Ayer  
Administrative Assistant