

**Kingston, New Hampshire  
Select Board  
Meeting of May 10, 2021  
FINAL MINUTES**

The meeting was called to order at 7:02 pm.

**PRESENT:** Richard Wilson, Vice Chair; Electra Alessio, Kevin St. James, Donald W. Briggs, Select Board Members.

**PUBLIC HEARING: Discretionary Barn Easements**

(Chairman Coombs recused himself from this discussion and all decisions made.)

Vice Chair Wilson opened the Public Hearing at 7:03 PM, and asked Heritage Commission Chair Ernie Landry to introduce the subject and give some information about what the Board will be looking for to make a decision.

Mr. Landry stated that the Board will be considering barn easement applications on three properties; 35 Powwow River Road, 146 Main Street, and 6 Little River Road. He explained that the state established this program to help preserve New Hampshire's heritage, one way being the preservation of agricultural buildings that are in danger of falling into disrepair. He said the purpose is to help ensure that owners of these structures (at least 75 years old) are able to maintain the buildings without the tax burden being a deterrent. Criteria must be met that show a demonstrated public benefit of the structure.

Mr. Landry gave the three basic qualifying criteria that the Board will consider, saying that if at least one criterion is met, the structure will be considered eligible:

1. It provides scenic enjoyment to the general public from a public road or waterway;
2. It is historically important on a local, regional, state or national level;
3. It contributes to the historic or cultural integrity of a property listed on or eligible for the New Hampshire State or National Registers of Historic Places, or is in a locally designated historic district.

As to the question of how to determine "necessary public benefit", Mr. Landry read from guidelines published by the NH Historic Agricultural Structures Advisory Committee. In this section, the questions to consider included whether the structure is a familiar local landmark; whether it is visible from a public road or from public waters; the extent to which it contributes to the scenic qualities of the community and region; and whether there is interest or support for its preservation.

Selectwoman Alessio asked if the easement is granted, if the building is then held at its current assessed value for the length of the term. Mr. Landry said that the Board can choose a level of reduction of the assessments between 25% and 75%, depending on what they think is prudent, for a term of 10 years (which can be renewed). The assessed value is to include the structure and the land around it.

There was a discussion of maintenance vs. improvements; Mr. Landry said that maintenance and repairs done to the structure, such as siding and roofing, will not raise its assessed value during the easement term; however, improvements may.

Selectwoman Alessio expressed that she is less inclined to grant an easement to the Main Street property, because while it is beautifully done, it is not a working agricultural barn as the others are. Mr. Landry said that it is a different type of barn, a “city” barn from the time when horses were used for transportation; he referred to the long list of eligible structures, which includes carriage houses.

The tax cards were looked at to try to determine the current value of the barns in question; there was some confusion on this. The values of barns granted an easement will be confirmed by the Town’s Assessor and stated at the next meeting.

### **35 Powwow River Road**

Two representatives of the Bakie Farm Initiative, Andre Cantelmo (resident at the farm) and Stephen Roxburgh (owner), were present to discuss their application, which is to renew a prior easement on 8 separate farm structures. Mr. Cantelmo began by saying that the whole point of acquiring the Bakie Farm was because it is such a beautiful and historic place. He said his background is in agriculture, he is the owner of Heron Pond Farm, and he thought he could be helpful in bringing Bakie Farm back to the point of sustaining itself. He said that they are conducting internship programs and are making use of the historic property. He said that Mr. Roxburgh’s main point was to restore it to the historic place it was, and that he had researched the history and contacted living relatives to obtain information and old photographs. He said all the barns need work, noting that the main barn needs to be jacked up and re-set. He said all the buildings are viewable by the public, including by birders who use the walkways. He said that they are making agricultural use of the buildings, want to keep up those activities, and that the easement would help them to continue.

**Questions of the public:** Mr. Landry asked about the visibility of the barns from public ways and waterways. Mr. Cantelmo said they are accessible to the public because of the Audubon and Conservation easements but are also visible from the roadway.

**Questions of the Board:** It was established that the barns were under easement in the past at the rate of 50%, which still shows on the property cards although it lapsed four years ago. Mr. Roxburgh said that although the easement was put in place years ago, the barns were not maintained from what he has observed, so a lot of work has had to be done just to keep them from falling down, and is still ongoing.

There was another discussion of the value of the barns, and agreed that the assessor needs to confirm the current value. Mr. Roxburgh made the point that if the barns are reassessed at this point, the value will reflect a lot of work that he has already done to repair and maintain them.

There was a discussion of how to determine the percentage of relief to apply. Selectman St. James cited a barn in the Town of Exeter which has fallen down. He said the whole

idea of the easement is to prevent that from happening. He compared the Bakie barns to the other barns that are in pristine shape, which he said also deserve some help in order to keep maintaining them, though maybe not in as high an amount. He said the word “discretionary” can be misunderstood, but the idea is to try to preserve the barns and apply the rate of easement in relation to the public benefit.

**MOTION:** by Selectman St. James, to grant a discretionary barn easement under RSA 79-D at the rate of 75% to 35 Powwow Road, Bakie Farm Initiative, for a term of 10 years.

**SECOND:** Selectwoman Alessio

**In favor: Alessio, Briggs, St. James, Wilson; passed.**

Mr. Landry said that the next step will be to create an easement deed that is binding to both parties.

### **146 Main Street**

Lisa Lavallee and Tab Burgess were present to discuss their barn easement application. Ms. Lavallee said she believed the barn, which is a carriage barn attached to the house, qualifies for the easement as it is on the Plains where people can see it, and has historic value. She said the property was one of the largest poultry farms in the area, the Nichols poultry farm, established in 1915. She said that the barn has been well maintained over the last 20 years, and they will continue to do so; the roof and siding have been done and a portion of the foundation of the barn has been replaced. Floor joists under barn broke and had to be redone. She said they have spent a lot of money to repair and maintain the barn over the years, which is listed in the application.

Selectman St. James said his opinion is that while the home is unique and visible on the Plains, he struggled with the fact that money was already invested to make it look good, but that maintenance will need to continue. He said the other barns need the money to repair, but this one should not be penalized for already having done the work. He said he feels they deserve the easement because the Town hopes maintenance and repairs will continue, and suggested 25% would be fair. Selectwoman Alessio said that she is concerned that there are many other similar properties that may want to get an easement, but she feels the focus should be on the barns in agricultural use.

**MOTION:** by Selectman St. James, to grant a discretionary barn easement under RSA 79-D at a rate of 25% to 146 Main Street, Lisa Lavallee and Tab Burgess, for a term of 10 years.

**SECOND:** by Selectman Briggs

**Questions/Comments of the public:** Eileen Clifford said she had gone on the site walk, and has her own barn. She said it seems this barn is more for housing carriages, which is a different type of history. She said she feels it would be helpful to state what the purpose of a carriage barn is. Mr. Burgess said that horses did live there, as the upstairs was a hayloft.

Mr. Landry said that the listing of eligible buildings includes carriage barns.

**In favor via roll call vote: Briggs, St. James, Wilson; Opposed: Alessio; passes.**

## **6 Little River Road**

Phil Coombs, co-owner of the property, said that they are applying for the discretionary easement for one of their barns, the larger New England style barn. He said his structure is in the worst shape of any of the applicants, but he has already done quite a bit of repair work, such as covering the roof to keep the rain out, and jacking it up and putting all new posts in the basement. He said the building is solid, but will need a lot more work. He said his long term plans include roofing, replacement of all posts, and replacing all the siding with traditional material such as board and batten. He said it is not original now, but all the framing is still in place. He plans to put two-story doors back on, and in all ways endeavor to make the barn more historically accurate. All construction methods throughout have been traditional; he said he has an uncle who restores barns, which has been very helpful.

Mr. Coombs said that long term plans also include cold storage underneath, and a commercial kitchen in the ell at the back, to use for processing and smoking grass-fed beef and poultry, and also for prepared meals, to have something a little different from what other local farms offer.

Mr. Coombs said that the historical significance of his property is that it was the Town farm where people could go for meal at the end of a work day if they couldn't afford it on their own. He said it was part of Nichols and Christie farms. After that, it was an equine operation, boarding horses, then there were still eggs produced there, then a place to bring dry cows that needed feed. He said this barn is not valuable for animal housing any longer, and is not big enough for equipment; it is mainly support for the other barn. He said the original goal was just to stabilize the building, and he had even considered burning it down, it was in such bad shape. However, he said he is glad they have saved it, and the goal within the year is to replace the roof and make the building weather tight, then continue the work as funds allow.

Selectman Wilson said that this is another example of a barn on which a tremendous amount work has been done to keep it stable. Selectman St. James said that it would not be standing otherwise. He said that like the Bakie Farm, it represents more than just agriculture. He said the owners are coming to the Board with what they want to accomplish to preserve the structures and bring them back to their original luster. He said this sets it apart from others that have been rejected for the easement in the past.

**Questions/Comments of the public:** None heard.

**MOTION:** by Selectman St. James, to grant a discretionary barn easement under RSA 79-D at a rate of 75% to 6 Little River Road, CW Station, LLC, for a term of 10 years.

**SECOND:** by Selectwoman Alessio

**In favor:** Alessio, Briggs, St. James, Wilson.

There was a brief discussion of the decisions made, in which Selectwoman Alessio said that she is comfortable with her decision not to approve the easement for 146 Main Street, as there are many such beautiful properties in the Historic District, but not all are worthy of the easement the way agricultural properties are. She said she believes that

the agricultural barns and working farms are truly deserving of the support of this program more than well maintained residential properties.

**MOTION:** by Selectman Alessio, to adjourn the Public Hearing.

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

**In favor: Alessio, Briggs, St. James, Wilson.**

Vice Chairman Wilson closed the Public Hearing at 8:02 PM

**Chairman Coombs joined the Board at this time.**

**PUBLIC COMMENT I:** None heard.

**COMMITTEE LIAISON REPORTS:**

Selectman St. James reported that he had met with Recreation Director Paul Butler and another concerned citizen, and it was decided not to go with the original company whose quote had been the basis of the warrant article to rebuild the playground structure at Comeau Field. He said the quote had been found to be misleading. He said that the Recreation Department will be actively fund raising, and will be explaining to voters what is happening. They hope to raise funds, and encumber what was raised this year, to do the playground in 2022.

**OLD BUSINESS:**

**NH DOT Project, Route 125**

Selectman Briggs explained that after he and Rich St. Hilaire met with a DOT representative about reclassifying two roads that lead onto Route 125 (Granite Road and Diamond Oaks Boulevard), a letter was generated stating what was agreed to that needs Board signatures. He said the reclassification will not change the landowner's responsibility to maintain the roads, but will allow the State to have access.

The Public Hearing on the Route 125 project will take place via Zoom on May 19<sup>th</sup>.

Selectman Wilson said the project is slated to begin in 2023.

**Code Complaints processing procedure**

Chairman Briggs asked that this topic be postponed until later in the meeting.

**Sale of Town land**

Selectman St. James said that the Town is still waiting on Charlie Zilch to do surveys on the lots eligible for sale. The Administrative Assistant has contacted an auctioneer, and there will be no cost to the Town; the buyer will pay a 10% premium to the auctioneer. The minimum price will reflect all costs, including surveying, that are incurred by the town.

Selectman St. James said that one of the residents interested in a Great Pond Park lot owns a lot that adjoins the low area in the park that has been identified as one that should be retained. This resident had inquired whether the Town would consider a land swap. He said it is only a small sliver. Selectwoman Alessio asked if it would be worth

the cost of surveying. Chairman Coombs said that Town Counsel has advised the Board to stay with the auction process.

Another letter has been received from a resident interested in buying a town owned parcel. It was agreed that the Board would like to stay with the Great Pond Park parcels already sent to Mr. Zilch for surveying, see the process through, and save any further possible sales for another time.

### **Torroneo Industries**

Selectman Wilson said that he has been told that Torroneo would like to resume blasting on the north wall of the quarry. He had told them that the Board would decide on this tonight, but said he now thinks that the Board needs to inspect the berm that Torroneo built for noise reduction, and also to talk with them about more frequent, smaller blasts. He will talk to them about postponing any changes pending clarification. The berm has not been seen, and no detailed drawing was ever submitted.

### **NEW BUSINESS:**

#### **Digitizing Town records**

Three companies were contacted to provide estimates on the cost to scan Town records and set up digital access to them. The Administrative Assistant had informed the Board that the best area to begin this scanning process would be the property files, which are in constant use and take up a lot of room. The cost for these records only was in the range of \$25,000 to \$30,000. There was discussion of budgeting this amount for 2022 and going on from there with other departments. It was agreed that this work is overdue. Ellen Faulconer, Planning Board Administrator, was in the room and said that the Planning Board office is out of room to store any more paper records.

### **BOARD BUSINESS:**

#### **Code Officer applications**

Applications received for this position will be discussed in non-public, to decide which candidates to call.

#### **Public Rights of Way Regulations**

These regulations, prepared by the Donahue, Tucker and Ciandella law firm, had been reviewed and revised in November of 2020, but never adopted.

**MOTION:** by Selectman St. James, to adopt the Public Rights of Way Regulations as last amended.

**SECOND:** by Selectwoman Alessio

**All in favor via roll call vote.**

**PUBLIC COMMENT II:** None heard

### **CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:**

- A letter was received from the Library Trustees, accompanying a check for reimbursement of payroll expenses for April 2021, in the amount of \$20,278.86.

- The Board received a copy of a letter written by the Building inspector to the owner of a newly built house and the real estate agent selling it, outlining the issue of lack of building permits.
- Charlotte Boutin was re-appointed as an Alternate Member of the Heritage Commission.
- Land Use Change Tax paperwork was signed for a property that is being taken out of Current Use on Marshall Road.
- The Tax Warrant authorizing the Tax Collector to collect the Spring 2021 tax bills was signed.
- An email was received from a resident asking that voting machines never be used again. Selectwoman Alessio said she does not agree with this at all, and Chairman Coombs said that having been through a recount, he can say that doing hand counts is no small thing. The Chairman mentioned the count discrepancies in the Town of Windham. Selectwoman Alessio said that the chips are tested ahead of time, rechecked, and that the internet is not used, the information is kept in house. She said Kingston is long past doing hand counts due to population, and Moderator Ellen Faulconer reminded the Board that the Town voted to use the machines. Selectman St. James said that the writer probably does not understand the process, that there are a lot of scary stories online. Selectwoman Alessio will respond to the writer; she said that any time there has been a recount in Kingston the results were virtually the same. Ms. Faulconer added that the problem in Windham was that the count did not match the number of ballots, and that Kingston had no issue with its election.
- A questionnaire from the Town's auditors was completed by the Chairman.

#### **APPROVAL OF MEETING MINUTES:**

**MOTION:** by Selectwoman Alessio to approve the public and non-public meeting minutes of May 3, 2021.

**SECOND:** by Selectman Briggs

**All in favor via roll call vote.**

#### **Code Complaints processing procedure**

There was a brief discussion of the purpose of this procedure being codified. It was then decided to table it until a Code Enforcement Officer can be hired and offer input.

#### **NON-PUBLIC SESSION:**

**MOTION:** by Selectman Briggs, to enter non-public session under RSA 91-A:3, II (I) Legal; Personnel; Land Acquisition

**SECOND:** by Selectman Wilson

**All in favor via roll call vote**

**Meeting adjourned to non-public session at 8:46 PM.**

**MOTION:** by Selectman St. James, to return to public session at 9:45 PM

**All in favor via roll call vote.**

**Motion made to seal these minutes:** Motion made by Selectman Alessio, seconded by Selectman Wilson, because it is determined that divulgence of this information likely would...

XX Affect adversely the reputation of any person other than a member of this board.

**Roll Call Vote to Seal Minutes:**

|                 |   |                 |   |
|-----------------|---|-----------------|---|
| Phillip Coombs  | Y | Richard Wilson  | Y |
| Kevin St. James | Y | Electra Alessio | Y |
| Donald Briggs   | Y |                 |   |

**Motion: PASSED**

**Discussed in non-public session: Legal issues; Personnel issues; land acquisition possibilities.**

**Adjournment:**

**Meeting Adjourned at 9:45 PM**

Respectfully submitted, Susan Ayer, Administrative Assistant