

Kingston, New Hampshire  
Board of Selectmen  
Meeting of July 23, 2018  
DRAFT MINUTES

The meeting was called to order at 7:00 PM in the Meeting Room at the Kingston Town Hall.

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

**ABSENT:** George Korn, Selectman

**7:00 PM: PUBLIC HEARING, Continued from July 9: Motor Vehicle Junkyard License, 4 & 4-a Main St.**

The Chairman noted that a site walk was conducted on this property on July 22, and that a number of people attended, including some Selectmen and some Planning Board members. Mr. Dudek was present to answer questions of the Board.

Chairman Heitz asked if there is any plan for crushing or recycling cars when their usefulness has been surpassed. Mr. Dudek said that after a cycle of time, which could be from 1 month to 6 months, if more room is needed he would crush cars with a portable crushing machine that is brought in, and have them removed from the property. Selectman Briggs questioned whether this might be an expansion of use. Mr. Dudek asked how the previous owner got rid of surplus cars then. Selectman Briggs said that he had spoken to someone at the NH Department of Environmental Services (DES) who had told him another kind of permit is needed for grinding or crushing vehicles.

Selectman Briggs then brought attention to newspaper articles from 2015 that mentioned violations on Mr. Dudek's junkyard property in Londonderry. The articles included information that cars had been stacked higher than the fence line, and that fabric covers were not placed on the fencing. Mr. Dudek said that he had one neighbor who made constant complaints but that he had never been denied a permit. It was determined that a 2014 clean water act violation was settled out of court. Mr. Dudek said that this was the result of being told he no longer had to submit a Storm Pollution plan to the EPA, but rather to the DES. He subsequently corrected the matter once he realized he had been misled.

Chairman Heitz said that the Board is charged with ensuring the suitability of an applicant for a junkyard license and that he felt legitimate concerns were raised by the articles and reports of violations in Londonderry.

The site plan was cited and Mr. Dudek said that he is not familiar with it but would like a copy.

**PUBLIC COMMENT**

Dan Boyd of 21 Windsong Drive said his property abuts the junkyard property and that he has owned the property, and the 2.5 acre pond adjacent, for 21 years. He said there have been several operations on the property over the years and that most have

complied with the rules and he has not made any complaints. He said that he has some concerns, foremost with the pond and oil runoff that might go into the watershed. A second concern Mr. Boyd cited is with fencing; he said that it can be a fence or a natural barrier, and that along his property there is no fence. He said in the winter after the leaves drop the junkyard is completely visible. Mr. Boyd added that fencing would discourage trespassers and inhibit crime.

Mr. Boyd's third concern was lighting, as in the past spotlights had shone into his bedroom windows. He had spoken to the prior owner and the lights were changed. As a final comment, Mr. Boyd said the Town does not need to inherit non-compliance issues.

Mr. Dudek asked why the previous owner was not asked to put up more fencing, but said he would look into that, and also that he would plan to use only compliant lighting, adding that he does not light his Londonderry yard at all at night.

Mike Angelucci, 3 Red Gate Drive, said that he agrees that the Town should find out what is in the pond.

Evy Nathan, Chair of the Conservation Commission, said that if cars are being crushed on site, the work needs to take place on an impervious surface. Chairman Heitz said the applicant intends to do this work in the building on a concrete floor. Ms. Nathan then asked how much of the business from the Londonderry site will be coming to Kingston, and Mr. Dudek said none, that this is a new and separate operation.

Ms. Nathan wanted to know who will monitor the catch basin. Planning Board Chair Glenn Coppelman was asked if there was any provision for monitoring or maintenance; he said that there is a design for a separator on the site plan from 2009, but no follow-up plan. Mr. Dudek said he was unaware that the catch basin and separator system was there, but would make his engineer aware of it.

Selectman Briggs said that during the site walk he was concerned to see multiple spots of contaminants where cars had been parked, and feels that the site needs to be looked at for environmental issues, and he would like to see Phase II testing done. Mr. Dudek said that he had Phase I testing done and there was no recommendation that he have Phase II done, but that he would speak to the engineer.

There was further discussion of possible contamination on the site and how best to ensure it is not a danger to the public through the pond/aquifer.

Health Officer Peter Broderick said that hours of operation will include pickups and deliveries, and that there were problems in the past with activity late at night. Mr. Dudek said that won't happen.

**MOTION:** by Selectman St. James, to approve the application for a Motor Vehicle Junkyard license for Edward Dudek, DBA Murray's Auto Recycling, with the stipulation that within 60 days the applicant will put forward a plan from his engineer with regard to

the containment of contaminants, and also provide the Town with a copy of the Level I testing report.

**SECOND:** by Selectman Coombs

Selectman Briggs said that while he has no problem issuing the license, at some point it needs to be known what is in the soil and the pond.

**In favor:** St. James, Coombs, Heitz

**Opposed:** Briggs

**Motion Passed**

#### **Kingston Days Committee re: Location of October 4, 2018 Fundraiser**

Lynn Gainty, Chair of the Kingston Days Committee, was present to answer any questions about a Facilities Use Request for a fundraising dinner to be held on October 4. Use of the Town Hall is requested. In discussion it was noted that no alcohol will be served. Ms. Gainty said she needs an answer so that tickets may be sold at Kingston Days.

The Selectmen had no objection to approving the application and it was signed.

Ms. Gainty then asked whether the Town Hall will be open for the entire Kingston Days weekend. If not, she will add additional porta-potties to the Town Hall area.

#### **Update on 4 Red Gate Drive; Residents/Health Officer**

Selectman Briggs said he had spoken to the owner of the abandoned house at 4 Red Gate Drive several times, including yesterday. He said the owner is moving quickly to try to resolve the issues and make a decision whether the house can be saved or should be torn down. Three neighbors spoke with the Selectmen, Debra McLaughlin, 2 Red Gate, Meikel Brewster, 1 Red Gate, and Mike Angelucci, 3 Red Gate.

Ms. McLaughlin reported that the grass had been cut (property had been "hayed") but that in the process, because the grass was so tall the landscaper ran over and cut the cable wires with the mower, so that there is no telephone, cable or internet to the neighborhood. Selectman Briggs will make a call to see about repairing the damage. Health Officer Peter Broderick said he was here by request of the Selectmen, and said that while the owner is being amicable and progress is being made, given the many years of neglect the Selectmen may want to set a time limit for decisions to be made on the property. Mr. Angelucci expressed his concern that the property is unsafe and that people have been seen going in. He said the pressure should not be taken off, as the problems have gone on too long.

Ms. Brewster said workers in Tyvek suits had been seen going in and out, and it looks like they are trying to remedy the mold problem. She asked if there has been feedback on the testing, and there has not to date.

Upon further discussion it was decided the best course was to continue keeping dialogue open and allow the owner time as long as momentum continues.

#### **Paving of Dog Park Parking Lot**

Bob Bennet, 28 W. Main Street, Newton, introduced himself as the former director of the Kingston Dog Park. With him was the current director.

Mr. Bennett said that he had been talking with Road Agent Rich St. Hilaire about paving the parking lot to the dog park, which he said has deteriorated and gets very muddy in the spring. He said the park has enough money to pay for crushed asphalt (rap) to

cover the lot, and that he has asked Mr. St. Hilaire about possibly using Town equipment to lay down the rap.

Selectman St. James said that he had spoken to Mr. St. Hilaire, who could not be present, and had learned that the Road Agent is willing to pick up the material and lay it down using a Town truck.

There was a general discussion of the dog park, and that there have been no problems recently. The Director said that park personnel meet with all newly registered dogs and owners, and that all are checked for current dog licenses, which ensure rabies vaccination.

Mr. Bennett and the new director were told to tell Mr. St. Hilaire the Board has no objection to his using Town equipment to help with the parking lot work, and to coordinate the work with him.

#### **Town Hall Mold Testing**

Mr. St. Hilaire has informed the Board that the full report for the most recent round of testing, done by RPF Environmental Testing and Consulting, is not yet available. The initial short report indicated no issue, but the technician will be invited to come in and discuss the results with employees present.

**MOTION:** By Chairman Heitz, to adjourn the meeting at 8:35.

**SECOND:** by Selectman St. James

**All in Favor**

**The Selectmen went into a private “non meeting” with Counsel present.**

Respectfully submitted,  
Susan Ayer  
Administrative Assistant