

**Kingston, New Hampshire
Select Board
Meeting of May 17, 2021
Final MINUTES**

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

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

ABSENT: Phillip Coombs, Chair (arrived at 7:24 PM)

APPOINTMENTS:

Wayne Raymond, 37 Newton Junction Road: Septic System Issue

Mr. Raymond gave the background of his property, saying he bought the house 25 years ago when it was 10 years old. He said the septic system failed two years later and he found out it was a bottomless tank. He said that at that time he replaced the system with a 1500- gallon tank but did not realize it needed to be pumped periodically; after 21 years he said it failed again due to being full. At this time it is operating but he needs a new system. He said he is having trouble meeting the requirements due to his proximity to wetlands and also to neighboring property. He said the engineer asked for a waiver as when the test pit was dug, they hit water at 5.5 feet, and the Town requires 6 feet of depth.

Selectman Wilson, who is also the Health Officer, said that the Town's regulations are 6 feet for a stone system, but 4 feet for an Envirotech system. He said Mr. Raymond could put in an Envirotech system and be fine, and that the engineer was told by the former Health Inspector that he could not get a waiver. Mr. Raymond said that he did not want a big hump in his front yard, and also that he had been confused by his engineer. Selectman Wilson said that the Health Officer can advise on septic plans, and has; he said he can get Mr. Raymond a list of reputable engineers though he can't make a recommendation.

17 First Street: ROW/Driveway question

See below. Appointments taken out of order.

Highway Agent: Public Rights of Way Regulations

Highway Agent Rich St. Hilaire thanked the Board for passing these regulations, which had been prepared last fall by Donahue, Tucker and Ciandella. He said that the pole work currently being done by Consolidated Communications does not require a new permit under the regulations, as they are attaching new wire to existing poles. However, he said they have approached him about running underground conduit, for which a permit will need to be acquired and fees paid. The application form is available through him or at the Town Hall.

There was a brief discussion of work that may involve going under driveways or cutting up roads, and whether or not a bond may be required.

Chairman Coombs arrived at this time.

PUBLIC COMMENT I:

Linda and Steven Saunders, 9 Beach Drive, said that they had noticed on the agenda that a neighbor had submitted a letter of complaint about their property. They said they were here in case the Board had any questions for them. Selectman Wilson said he had driven by today before seeing the letter. The Board reviewed the letter, in which the neighbor at 4 Choate Road complains about the location of a temporary shelter and the driveway at 9 Beach Drive. Mr. Saunders said that after they moved in, the neighbor had a survey done; at that time they moved everything off what had been identified as the neighbor's land. Mrs. Saunders said that a small piece of the driveway is on the neighbor's property, but they have nothing on that area. Mr. Saunders said the shelter has been on the property for 20 years.

Chairman Coombs said that most often these matters are a civil issue between neighbors. He said a Board member will go out to view the properties and report back; the Saunders will be contacted.

17 First Street: ROW/Driveway question

Paige Ouellette and Alex Marchegiani introduced themselves and said that they were requesting permission to pave the right-of-way between 17 First Street and 66 Great Pond Road. Mr. St. Hilaire said that this is the new house finished last winter and is accessed by a part of Great Pond Road that was never paved; they are using it as their driveway but it is actually a Town right-of-way, 20' wide by 80' long. He said that Board permission is needed for it to be paved. He said that if the owners are allowed to pave the right-of-way, it would not change the fact that no parking is allowed there. Mr. St. Hilaire said that he has no issue with this, as it would be an improvement, and allow the large Town truck to turn around. He recommended that it be made wider than the usual driveway width and that 6" of gravel be added.

Selectman St. James said he thought this would cause problems with the neighbors because it would make it look like it is their driveway. He said complaints have already been received while the house was being shown, about the right of way being blocked. Chairman Coombs said one problem is that this started as simply a matter of running a water line under the right of way. Selectman St. James agreed, saying it seems to be "morphing".

Mr. Marchegiani said that they take pride in whatever community they live in. He said the plan is to pave down to where they park at 66 Great Pond Road. He explained that they park there and cross over the right-of-way to the house at 17 First Street.

Selectman Briggs said that he agrees with Mr. St. Hilaire from the police perspective, and has no issue with paving the right of way, as long as it is very clear that the straight section going in is not to be blocked. Chairman Coombs said he is concerned that it will be perceived that a private citizen is doing improvements on Town property. Mr. St. Hilaire said that there is no way to lay claim to the property, there is no adverse

possession possible. He also said this is not a unique situation, that there are several instances where this has been done before.

MOTION: by Selectwoman Alessio, to approve the request for 14' by 80' of right-of-way between 66 Great Pond Road and 17 First Street, to be paved at the owner's expense, with approval of the Highway Agent, to include 6" of gravel and 3" of topcoat; the right-of-way will continue to be owned and maintained by the town.

SECOND: by Selectman Briggs

All in favor via roll-call vote.

A copy of these minutes will be placed in the property file.

COMMITTEE LIAISON REPORTS:

Selectwoman Alessio reported that the Fire Chief had informed her that the repair bill for the tanker truck was \$2200. She also reported that the Friends of the Library had held their annual plant sale, which was very well organized and received.

Selectman Briggs reported that the use of Comeau Field is now going smoothly.

Selectman Briggs also said that there may need to be a Cease and Desist sent to the owners of the Frontage Road property that has become an illegal junkyard; the Board agreed. Selectman Wilson suggested they make one more visit to be sure all violations are known and will be included in the letter.

OLD BUSINESS:

Discretionary barn easements

Chairman Coombs said that he spoke to Ernie Landry about having a subcommittee to review discretionary barn easements in the future. The Heritage Commission is willing to offer their services as the initial contact for applicants, and as advisors to the Select Board.

KRT Appraisers will be asked to give the Town a current assessment on all barns that were granted an easement.

Torroneo Industries

A report has been received from the Town Engineer about progress on the berm at Torroneo Industries. The company is asking to renew blasting activities on the north wall of the quarry now that the berm is nearly built. Vegetation is to be added to increase the sound buffer. Notification will be given through the Town's website when blasting is scheduled; residents wishing to receive an email will need to sign up for "subscribe to town news and announcements" via a link on the website's home page. Abutters will continue to receive 24-hour notice from the company, and will also receive a courtesy email from the Town.

Town Hall mask policy

Selectman St. James said he would like the Board to consider revisiting the Town's COVID policy to change the wording regarding face masks.

MOTION: by Selectman St. James, to change wording of the face mask policy from "required" to "recommended".

SECOND: by Chairman Coombs

All in favor via roll call vote.

Streetlights

Selectman St. James said there are more than a few streetlights that are illuminating private property, that the Town is paying for, and he wonders how this should be handled. He suggested that those lights could be moved from private property to areas where there is no light. The resident could then contact Unitil to request a light.

Selectman Briggs, who will be going out to list where all the poles are, and to document double poles as well, said the Board should be aware there is a cost to moving them, \$150 per light. Selectman Coombs, while agreeing that the Town should not be paying to illuminate private property, asked if it might make more sense to leave the light where it is and build a new one. Selectman St. James said that a new light with the mast arm would cost up to \$1,000, as the mast arm alone is \$700. Selectman Wilson said that the residents could be given the option to buy, or then the light will be taken down.

Selectman Briggs will create a list of the lights and poles with the Highway Agent, and of the addresses where the light is illuminating private property. He will come back to the Board with those lists.

NEW BUSINESS:

Town Clerk Tammy Bakie came to board to report a problem with a printer on which she is trying to print tax bills. After a brief discussion it was agreed that she may purchase a new printer if necessary. She said she has called the company that has the maintenance contract, and they will come tomorrow.

BOARD BUSINESS:

Selectman Wilson said he has pre-evaluated three applicants for the Code Enforcement Officer position. This will be discussed in non-public session.

A second Department Head meeting was set for June 28 at 9 am.

Chairman Coombs said that he was late for this meeting due to work at home, and may well be late at times through September; he said that if the Board chooses, he would be willing to step down as Chair and take a different role. It was agreed that Mr. Coombs will remain as Chair, and that Vice Chair Wilson will be prepared to run meetings in his place as necessary.

PUBLIC COMMENT II: None heard

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- SEC Engineers has sent a proposal for surveying Map U4 Lot 175 which is to be included in an auction of town land. This was approved and signed.
- Memo from the assessor was received in comment on a settlement offer from Consolidated Communications regarding their assessment. The Town would need to refund \$14,503 for tax years 2017 and 2019 if the offer is accepted. Selectman Briggs said that there is the matter of double poles that need to be taken care of, and wondered if he should make a phone call to see if something can be worked out to avoid having to refund the tax. This will be discussed further in non-public session as a legal issue.

- A Land Use Change tax abatement request for a property that was taxed in error was approved.
- Discretionary Barn easement deeds were given to the Vice Chair to sign.
- A letter of interest in purchase of a Town owned lot was received. It was agreed that before any further parcels are considered, the process will be completed with the few Great Pond parcels already identified. Selectwoman Alessio suggested there should be an annual deadline for submitting requests.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectman St. James, to approve the public and non-public meeting minutes of May 10, 2021, with an amendment: it will be made clear that Chairman Coombs was not part of the meeting until after the barn hearings. He will be struck from the “present” column and from abstaining on the first vote.

SECOND: by Selectwoman Alessio

All in favor via roll call vote.

NON-PUBLIC SESSION:

MOTION: by Selectman St. James, to enter non-public session under RSA 91-A:3, II (I) Legal; Personnel

SECOND: by Selectman Wilson

All in favor via roll call vote

Meeting adjourned to non-public session at 8:32 PM.

MOTION: by Selectman St. James, to return to public session at 9:15 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; Hiring of Town Employees

Adjournment:

Meeting Adjourned at 9:45 PM

Respectfully submitted, Susan Ayer, Administrative Assistant