

**Kingston, New Hampshire
Select Board
Meeting of June 7, 2021
Final MINUTES**

The meeting was called to order at 7:00 pm.

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

ABSENT: Phillip Coombs, Chair

APPOINTMENTS:

James Dufresne, Hawks Ridge/Village at Granite Fields: Request for lifting of Cease and Desist order

Mr. Dufresne, along with his attorney, Charles Cleary and contractor Mark Viens, was present to discuss his request to lift the Cease and Desist order for the Granite Fields condominium development.

Selectman Wilson said he has spoken with the Planning Board and was told the “as built” plan has yet to be submitted, as the work on driveways and drainage has not been done yet; he said this work needs to be done, not discussed. Mr. Dufresne said that he wants the Cease and Desist lifted so that he can complete the two unfinished houses and three empty lots. He said that as a guarantee the road and drainage work will be completed to plan, the Town could hold the Occupancy Permit on one house, which would be a considerable expense to him.

Selectman St. James asked why Mr. Dufresne needs the release on houses in order to complete road work. Selectman Wilson said that right now the Town has leverage to make sure the road and drainage work are done. Mr. Dufresne said that the residents want the houses completed. Attorney Cleary said that Mr. Dufresne has spent the last two years trying to fix the project, and continues to spend a lot of money to do so. He said Mr. Dufresne is not about to disappear. Selectman St. James asked again why the road work can't be done first, and Mr. Cleary said it can; Selectman St. James said that Mr. Dufresne should complete the roadways and drainage, and then come back with his request. Mr. Cleary said that completing the houses allows Mr. Dufresne to make some money.

Bonding was discussed, as it had been requested of Mr. Dufresne last fall; a bond submitted was returned by the Town as it was determined that a bond could not legally be required on private property. Attorney Cleary said that Mr. Dufresne is offering real estate collateral in lieu of a bond. He said that the Planning Board did not require a bond.

Selectman Wilson said that the plan includes contingencies that must be met. Attorney Cleary said that the contingencies are work that needs to be done, and Mr. Dufresne is ready to do the work and releasing the houses would generate (cash flow). There was

further discussion of events of the past fall, when a site walk was held and lots were released for work.

Mark Viens discussed the ongoing work and answered questions of the Board. He said that he is doing all the work, including the swales and the house lots, and an empty house lot in the middle of the block is not helpful; he said that if the houses can be done and the roadway cleaned up as he goes along, then at the end all that will need to be done is the paving. He added that the driveways will be completed at that time. Selectwoman Alessio affirmed that the Cease and Desist needs to be lifted in order for building permits to be issued.

Selectman Briggs read from a memo written by the Town Planner that said, "prior to ending the Cease and Desist and issuing permits, the "Roadway Improvement Plan" must be completed and an "As-built" plan be submitted." Attorney Cleary said that the Planning Board did not tell them that. Selectman Wilson said that it is one of the contingencies noted in the minutes from the meeting, and he read the various conditions. Mr. Cleary said that those are conditions of Planning Board approval, but the Cease and Desist is a Selectmen's issue.

Selectman Wilson said that his opinion is that they should come back in two weeks to see where things stand with the roadwork. There was a discussion of the pros and cons of lifting the Cease and Desist. Mr. Dufresne suggested again that Occupancy permits could be held to ensure the swales and culverts are put in properly. He said there are two unfinished houses and three empty house lots. Discussion of where these lots are and how they relate to the road work took place.

MOTION: by Selectwoman Alessio, to lift the Cease and Desist order on the Hawks Ridge Condominium development, with the stipulation that the only permits to be allowed on Lots 34 and 2 (3 Bent Grass Circle and 4 Bent Grass Circle) will be foundation permits.

SECOND: by Selectman Briggs

Mr. Dufresne will talk to the Building Inspector about viewing the unfinished house that has been sitting for several years.

Public Comment was allowed on the topic. Jim Scarpone, 11 Mulligan Way, asked via Zoom if the original plan is to be adhered to, and specifically if streetlights are to be included. It was not clear to those present if streetlights are included on the plan. Mr. Cleary said that anything on the approved plan will be required. Mr. Scarpone also asked when the top coat will be added to the driveways and the road, as streetlights will have to come first, and many driveways are deteriorating. Mr. Dufresne said that the top coat of paving can't be put on until all houses are done and driveways put in. Mr. Scarpone said he was under the understanding that Mulligan Way was to be completed first. The Board and the builder were in agreement that the paving will not be done in pieces. Selectman Wilson said that driveways will be repaired before being topped.

Vote on Motion:

In favor: Alessio, Briggs, Wilson. Opposed: St. James. Passes.

Selectman Wilson then asked to discuss another issue, that of the pool being installed at Mr. Dufresne's house (7 Bent Grass Circle). Mr. Dufresne said that they are not here tonight to discuss the swimming pool, but that he would like to meet with Glenn Greenwood, Attorney Cleary, Robert Steward and possibly the Town's Attorney. This will be scheduled.

PUBLIC COMMENT I: None heard

COMMITTEE LIAISON REPORTS:

Selectwoman Alessio reported from the **Kingston Days Committee** that they would once again like to use Magnusson Field to house carnival workers, this year from August 2 through August 10.

MOTION: by Selectwoman Alessio, to allow the Carnival group to use Magnusson Field parking area to house workers, from August 2 through August 10, 2021. The Town will provide trash receptacles, water and porta-potties.

SECOND: Selectman Briggs

All in favor via roll call vote

Selectman St. James said he spoke with **Recreation** Director Paul Butler about summer activities. He plans to follow CDC guidelines, and it was agreed that he does not need to come to the Board. Mr. Butler is looking at fundraisers for the playground; some parent groups may be interested in forming a group for fundraising.

Selectman St. James also said that the Kingston Little League would like to host one day of tournament games; the Board had no objection.

Selectman St. James then spoke about the Primex sensitivity training webinar that has been mandated for **Town employees**. In discussion it was affirmed that employees need to be paid for this training, either by doing it during work hours or putting in for the time needed.

Selectman Briggs informed the Board that the generator for the **Fire Department** needs to be changed to a larger size as the engineers hired to review the plans said that the size recommended was wrong. There was a discussion of who should have to pay for the change; Selectman Briggs will let the Board know the outcome from the next Fire Station Building Committee meeting.

Selectman Wilson said that the **Conservation Commission** may want to add a second meeting for months in which the Planning Board hears applications at both of their monthly meetings. This would allow Conservation time to review and comment. It was agreed that a second meeting can be added to the calendar and then used as needed.

The **Book Committee** has reported that the History of Kingston book has been printed, is now being bound, and should be available in a couple of weeks.

OLD BUSINESS:

Consolidated Communications: Assessment Settlement Offer

After a brief discussion of this offer, as well as the **Double Power Pole inventory** provided by Selectman Briggs with the assistance of the Highway Department, it was agreed that no decision will be made tonight. The Board will gain a better understanding of the pole count, and the vote will take place when Chairman Coombs is present.

Tent on Library Grounds

A permit application has been submitted by the Library Director to erect a tent at the library for summer programs. The Director will be asked to contact Brian Gallant at the Fire Station to find out if the Fire Department needs to inspect the tent from a safety standpoint.

NEW BUSINESS:

Depot Road Property Complaints

Numerous letters have been received from neighbors of the property at 16 Depot Road, about noise from “snowmobiles, ATVs, Dirt bikes, autos/trucks honking and driving around the yard, excessive revving up, burning out, doughnuts, loud music and honking horns”. The form letter also cited public safety issues such as “racing side by side, burn outs, peel outs, excessive speed, and off-road vehicles.... driven on the street and private property in a reckless and dangerous manner.” The letter also cited junk and debris on the property and public safety regarding loose dogs.

Nine letters were addressed to the Selectmen, and several contained extra comments, which included residents’ experiences with the noise, loose dogs, and the impact on public safety and enjoyment of their own property. Selectman Briggs recommended that the owner should be invited to the next meeting. He also said that he would like residents to be aware that the Town has already been actively working on these matters with increased police details.

BOARD BUSINESS:

Revised summer schedule: The Selectmen will meet on June 7 and 21; July 12 and 26; August 9 and 23; regular weekly meetings will resume starting September 13. Morning meetings with Department Heads, during which other Town business may be conducted as needed, will be held on June 28 and August 30.

PUBLIC COMMENT II: None heard

CORRESPONDENCE, APPLICATIONS, PURCHASE ORDERS:

- An application to use the bandstand on the Plains for wedding photos on September 25 was approved, pending receipt of the fee (\$50).
- Abutter notices were received for several Planning Board hearings.
- A letter was received from the Library Trustees, accompanied by a check for payroll expenses being refunded.

APPROVAL OF MEETING MINUTES:

MOTION: by Selectwoman Alessio, to approve the public and non-public meeting minutes of May 17, 2021 and May 26.

SECOND: by Selectman Briggs

Selectman St. James pointed out that in the non-public minutes, both personnel statutory reasons were checked (RSA 91-A:3, II(a) and (b)), and he said only one should be necessary.

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 (a) Personnel

SECOND: by Selectwoman Alessio

All in favor via roll call vote

Meeting adjourned to non-public session at 8:01 PM.

MOTION: by Selectman St. James, to return to public session at 8:35 PM

SECOND: by Selectwoman Alessio

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 8:35 PM

Respectfully submitted, Susan Ayer, Administrative Assistant