

TOWN OF KINGSTON, NH.

**MINUTES OF TOWN MEETING
MARCH 8, 2005**

The Annual Town Meeting was called to order at 8:00 AM at the Town Hall by the Moderator, Electra L. Alessio, for the voting by secret ballot for the election of Town Officers, 25 regular Town Articles and 9 Zoning Articles, as well as the voting for the election of officers of Sanborn Regional School District and the voting on 7 regular articles for the School District.

The Town Clerk, Bettie C. Ouellette, broke the seals on the boxes of ballots and the Moderator inspected the ballot boxes. Two Accu-Vote machines were rented for this election. There was a small turnout due to a snow storm.

The ballot clerks were Donna Grier, Jean Spinella, Marilyn Bartlett, Herbert Noyes, Holly Ouellette, Gloria Parsons and Joanne Lambert. The Police Officer was Donald Briggs, Jr. The results were announced by the Moderator at 8:30 PM. The ballots were sealed and locked in the vault at 9:00 PM.

The total count was 915, including 34 absentee ballots. Ten new voters were registered at the polls, bringing the total voters on the checklist to 3840. Total of all ballots was 26,600 including absentees. The percentage voting was 24%.

The following results were obtained:

SELECTMAN FOR THREE YEARS

Mark A. Heitz	682*
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TRUSTEES OF TRUST FUNDS FOR THREE YEARS

Joyce Davies	678*
Anthony L. Whitcomb	620*

FIRE WARD FOR THREE YEARS

Edward W. Conant	143
John Merrill	222
William A. Timmons	428*

THREE LIBRARY TRUSTEES FOR THREE YEARS

Eleanore R. Coffin	482*
Amy Esty	456*

Danielle F. Genovese	575*
Marie Ronco	345

TWO PLANNING BOARD MEMBERS FOR THREE YEARS

Kevin W. Burke	342
Glenn Coppelman	357*
Kenneth B. Rota	335
Sandra Seaman	465*

FOUR BUDGET COMMITTEE MEMBERS FOR THREE YEARS

Debra F. Powers	629*
Marilyn Bartlett (Write-Ins)	9*

ZONING ARTICLES: (#2 THROUGH 10)

ARTICLE 2: Are you in favor of the adoption of Amendment number 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Add a new Article Commercial Zone C-III to read:

COMMERCIAL ZONE C-III

DESCRIPTION OF ZONE:

All lots/property, as shown on Town of Kingston 2004 Tax Map, in Tax Map R-3 except lot R3-18, and only those lots of record at time of adoption with frontage along NH Route 125 in Tax Maps R-2, R-4, R-5, R-8, R-9, R-10, R-11, R-13, and the following lots: R20-16-1, R20-20, R20-21, R20-22, R20-23, R20-26, R21-15, R21-15-2, R21-16, R21-17, R21-18, R21-19, R21-20, R5-15, R8-43, R9-4, R11-2A, R11-5, R11-6, R11-7, R11-20, R13-6, R13-9, R13-15, R13-19 and R8-40A.

PURPOSE:

To establish an attractive, financially viable commercial zone that encourages business development to provide services to the public, increase employment opportunities and broaden the tax base.

DEFINITIONS:

Non-Conforming Use: Any use of land, building or premise lawfully existing at the time of adoption of this Zoning Ordinance or any subsequent amendment thereto which does not conform to the permitted uses in this zone.

Note: this definition refers only to the use of a property.

Non-Conforming Lot. Any lot or structure that does not conform with the lot requirements of this ordinance.

Note: this definition does not refer to the use. It refers only to lot requirements such as setbacks, lot coverage, landscaping, etc.

PRE-EXISTING USE:

Valid non-conforming uses legally in existence prior to the enactment of this ordinance may be continued, maintained, repaired and improved, unless and until such use becomes an imminent hazard to public health and safety. Non-conforming uses may not be expanded or changed to other non-conforming uses.

Exception:

Residential uses existing at the time of this ordinance may be continued and expanded as long as the use remains residential.

PRE-EXISTING LOT:

Valid non-conforming lots legally in existence prior to the enactment of this ordinance may be continued, and expanded as long as the lot does not become more non-conforming.

PERMITTED USES:

The following uses, while permitted in this zone, must comply with all other zoning ordinances and regulations, such as, but not limited to: Wetlands, Shoreland Protection, and Aquifer Protection. In case of conflict, the more stringent standards shall apply unless explicitly stated otherwise.

1. Business Center Development: A tract of land, buildings or structures planned as a whole and intended to include those uses allowed in this district whether built at one time as a unit or in two or more construction stages.
2. Any retail business such as, but not limited to: book, stationery, or news store, drug store, dry goods or variety store, jewelry store, florist, gift or antique shop, hardware store, meat market, or wearing apparel store.
3. Supermarket/Grocery Store
4. Professional and business offices, medical and dental clinics and funeral homes.
5. Banks and other similar financial institutions.
6. Personal service businesses such as, but not limited to: barber and beauty shops, Laundromats, dry cleaning outlets, tailor and dressmaking shops.
7. General service or repair shops such as for, but not limited to: jewelry, clocks, radios and television, appliances, bicycle repair and services of a similar nature.
8. Commercial recreation establishments such as, but not limited to: indoor theaters, bowling alleys, golf courses and campgrounds.
9. Establishments serving food and beverage such as, but not limited to: restaurants, cafes, and taverns.
10. Automotive filling/service stations; car washes.
11. Vehicular, trailer & recreational vehicle sales, rentals or leasing and service repair facility.
12. Landscaping/Nursery Facilities.

13. Educational Facilities such as, but not limited to: child day-care/nursery schools, karate schools, driving schools.

14. Care and Treatment of Animals

15. Wholesale Businesses

16. Private/Service Clubs

17. Publishing and Printing Facilities

18. Lodging Establishments such as, but not limited to: hotels, motels, bed and breakfasts, inns.

19. Establishment for the care of the Elderly.

Accessory Uses to one of the above listed permitted uses are allowed.

Accessory Uses are defined as: Any subordinate use which customarily is accepted as a reasonable corollary to the principal use and which is neither injurious nor detrimental to properties within this Zone.

PROHIBITED USES:

1. Residential construction is prohibited, except as provided in "pre-existing use" exception.
2. Motor vehicle junkyards and junkyards are prohibited.
3. Materials distribution plants, Truck terminals are prohibited.
4. Overnight Kenneling of animals unrelated to medical care is prohibited.
5. Adult Oriented Businesses are prohibited.

SPECIAL EXCEPTIONS:

If, after a Public Hearing by the Board of Adjustment, a proposed Business, not specifically permitted or prohibited in this zone, is found to conform in character of operation and would be in harmony with the permitted uses as described in this Zone, then such use may be allowed by Special Exception of the Board of Adjustment, subject to appropriate conditions and safeguards as may be deemed necessary by said Board of Adjustment. The Board shall deny requests for special exceptions that do not meet the standards of this section.

Special Exceptions shall meet the following standards:

(a) No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials.

(b) No creation of traffic safety hazard or substantial increase in the level of traffic congestion in the vicinity.

(c) No excess demand on municipal services including, but not limited to: water, sewer, waste disposal, police, fire protection, and schools.

(d) No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

(e) Notification of the hearing will be provided to the Planning Board, Conservation Commission and Board of Selectmen.

If the Special Exception is granted, formal site plan review by the Planning Board is required.

LOT REGULATIONS:

1. Building height: All construction shall be subject to the State of New Hampshire Fire and Building Code. In all cases, no building or structure shall be greater than 45 feet in height.
2. Outside sales and/or storage: Any outside sales and/or storage in this commercial district is subject to Planning Board approval. Outside storage, in this district, shall be defined as the placement and location of equipment, supplies, parts, inventory and materials that are not intended for or being made accessible to the public or customer for sale or use. If outside storage is allowed, all storage areas will be visually screened from access streets, arterials and adjacent property. No storage shall be allowed between a frontage street and the building line. No storage will be allowed within the property setbacks or any designated green space.
3. Signs: Signs shall be in accordance with the Town of Kingston Sign ordinance.

4. Setbacks:

Setbacks for Structures:

Structures, for this requirement, are defined as: Buildings, and septic systems.

Rte 125 setback (Any Side): 100 feet from Centerline of NH Rte. 125.
Residential setback (side or rear only): 50 feet, when abutting a residential zone.

Otherwise,
Front: 25 feet

Side: 20 feet
Rear: 20 feet

In cases where 2 or more Structure setback numbers apply, the largest number is to be used.

Setbacks for Other Improvements:

Other Improvements, for this requirement, are defined as: storage areas, display areas, parking areas, access lanes, drainage systems, etc, but not landscaping, not "structures" (as defined above), and not curb cuts for access to a Road/Street or for access to an adjoining lot.

Residential setback (side or rear only): 50 feet when abutting a residential zone.

Otherwise,
Front: 15 feet
Side: 10 feet
Rear: 10 feet

- In cases where adjoining lots wish to share parking areas, the parking areas can be built up to the property line.
- In cases where 2 or more Other Improvement setback numbers apply, the largest number is to be used.
- The planning board can allow infringement on an Other Improvement non-residential setback as long as some green space is provided elsewhere in return.

Additional setbacks may be required due to existence or proximity of Shoreland or Wetlands or in accordance with the Aquifer Protection Ordinance.

5. Lot Coverage:

- For lots in the Aquifer Protection Zone, lot coverage shall be no more than 35%. However, lot coverage may be increased up to 50% if the applicant can show storm water management techniques that would allow for recharge on the property proposed to be developed. The lot coverage requirement in this ordinance shall supercede the lot coverage requirement in the Aquifer Protection Ordinance.
- For lots outside the Aquifer Protection Zone, lot coverage shall be no more than 75%.

6. Landscaping: Minimum area to be suitably planted and permanently maintained with grass, ground cover, shrubs and/or trees shall be twenty per cent (20%) of the total lot area. Excepting shared parking areas, curb cuts for access to a Road/Street, and curb cuts for access to an adjoining lot, a "green" area shall enclose the entire lot perimeter.

7. Frontage: A minimum contiguous frontage of 200 feet on a Class V or better highway is required; This frontage must be able to provide access to the site.

8. Access: Access will comply with Town of Kingston Access Management Regulations.

9. Site Plan Review: The Kingston Planning Board will review and approve or disapprove plans for the development of land tracts for whether or not such development includes a subdivision or re-subdivision of the site.

10. Occupancy Permit: Before an occupancy permit shall be issued, certification will be provided to the Building Inspector that the approved site plan is in compliance.

11. Must comply with all other Town of Kingston ordinances and regulations unless explicitly state otherwise.

YES 668* NO 198

ARTICLE 3: Are you in favor of the adoption of Amendment number 3 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend paragraph 2 of Article XVIII to read as follows:

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Rockingham, NH" dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Maps dated May 17, 2005 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

Topical Note: This action is required to insure the Town of Kingston's continued participation in the National Flood Insurance Program.

YES 677* NO 159

ARTICLE 4: Are you in favor of the adoption of Amendment number 4 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article VII, Supplemental Provisions, by adding the following new section 7.140:

In accordance with RSA 674:35, I, the Planning Board is authorized to require preliminary subdivision review. The subdivision regulations regarding the requirements of such review are to be prepared and adopted by the Planning

Board.

Topical Note: This amendment would allow the Planning Board to require developers to discuss plans prior to drafting by a professional engineer. Such mandatory meetings allow the Planning Board to better explain Town requirements before developers spend money on design plans.

YES 654* NO 188

ARTICLE 5: Are you in favor of the adoption of Amendment number 5 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

6.10.2 No new building shall be occupied until the certificate of occupancy shall have been issued by the Building Inspector. The certificate of occupancy issued for a residential structure shall remain in force until such time as the structure has been demolished, but does not apply to altered sections or additions. The altered section or addition shall not be occupied or used until a separate certificate has been issued by the Building Inspector certifying that the work has been completed in accordance with the provisions of the approved permit. For other than residential structures, a certificate of occupancy shall be required for the structure certifying that the work has been completed in accordance with the provisions of the building permit and site plan, and a separate certificate of occupancy shall be associated with the occupant of the structure. A new certificate of occupancy shall be required for each new occupant. In the case of multi-businesses in one structure, a separate certificate of occupancy is required for each business.

YES 572* NO 251

ARTICLE 6: Are you in favor of the adoption of Amendment number 6 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend the Town's Aquifer Protection District's Prohibited Uses section 19.40.5, I, by changing the wording to read: "Establishments with On-site Dry Cleaning are prohibited".

Amend section 19.40.6 by adding a new section "H" to read "Dry cleaning establishments for drop-off and pick-up only with no dry cleaning to take place on site."

YES 603* NO 216

ARTICLE 7: Are you in favor of the adoption of Amendment number 7 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To add the following language to the Special Exception Criteria to Commercial Zones C-I and C-II:

SPECIAL EXCEPTIONS:

If, after a Public Hearing by the Board of Adjustment, a proposed Business, not specifically permitted or prohibited in this zone, is found to conform in character of operation and would be in harmony with the permitted uses as described in this Zone, then such use may be allowed by Special Exception of the Board of Adjustment, subject to appropriate conditions and safeguards as may be deemed necessary by said Board of Adjustment. The Board shall deny requests for special exceptions that do not meet the standards of this section.

Special Exceptions shall meet the following standards:

- (a) No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles or other materials.
- (b) No creation of traffic safety hazard or substantial increase in the level of traffic congestion in the vicinity.
- (c) No excess demand on municipal services including, but not limited to: water, sewer, waste disposal, police, fire protection, and schools.
- (d) No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.
- (e) Notification of the hearing will be provided to the Planning Board, Conservation Commission and Board of Selectmen.

If the Special Exception is granted, formal site plan review by the Planning Board is required.

Topical Note: This established the same set of standards for all three commercial zones brings into conformance all three commercial zones by having the same language and also provides necessary guidance to the Zoning Board of Adjustment.

YES 605* NO 225

ARTICLE 8: Are you in favor of the adoption of Amendment number 8 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend section 19.40.3 of Article XIX, Aquifer Protection District to read as follows:

Within the Aquifer Protection District, no more than 35 percent of a single lot may be rendered impervious to groundwater infiltration. However, lot coverage may be increased up to 50 % if the applicant can show stormwater management techniques that would allow for recharge on the property to be developed.

Topical Note: This mirrors the language found in Commercial Zones I and II and would provide for conformity throughout the Aquifer Protection District with respect to lot coverage allowance.

YES 590 * NO 241

ARTICLE 9: Are you in favor of the adoption of Amendment Number 9, as proposed by petition for the existing Town Zoning, Building, and Land Use Ordinances as follows:

(a) Amend Section 4.30.3 to read:

"Pre-existing Use: Non-conforming uses legally in existence prior to the enactment of this ordinance may be continued, maintained, repaired and improved, unless and until such use becomes an imminent hazard to public health and safety. Non-conforming uses may not be expanded or changed to other non-conforming uses, however, non-conforming uses on lots with frontage on NH Route 125 may be expanded or changed, so long as any expansion complies with the provisions of Section 4.30.5 of this ordinance, any change of use complies with 4.30.4 of this ordinance, and all expansions or changes of use comply with all other terms of this ordinance."

(b) Add a new Section 4.30.5.9 that reads:

"4.30.5.9 The provisions of Sections 4.30.5.1 ("Building Height"), 4.30.5.3 ("Commercial building area"), and 4.30.5.4 ("Signs") shall not apply to lots with frontage on NH Route 125, however, the provisions of 4.80.14.1 ("Height"), 4.80.11 ("Lot coverage"), and 4.80.16 ("Signs") shall apply to such lots instead."

NOT RECOMMENDED BY THE PLANNING BOARD

YES 468* NO 375

ARTICLE 10: If Warrant Article # 2 Commercial Zone C-3 passes, are you in favor of the adoption of the following amendment to the article as proposed by citizens' petition?

Amend Description of Zone to add the following lots: R19-7, R19-8, R19-15, R19-16, R26-38, R26-38A, R26-39, R8-40, R8-40-A, R8-41.

Petitioner's Editorial Note: Seven of these properties are just north of the proposed new commercial C-3 Zone, at the intersection of Route 125 and New Boston Road. The other three are adjacent to the Pond View Restaurant property. These property and business owners are experiencing the same problems encountered by the business owners in the southern Route 125 area caused by the legislation passed last year. Commercial Zone C-3 was drafted by the Planning Board to solve those problems. The above property owners are asking for the same consideration.

YES 481* NO 360

NOT RECOMMENDED BY THE PLANNING BOARD

ARTICLE 11 : It was voted to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein,

totaling \$3,660,486. Should this article be defeated, the operating budget shall be \$3,302,788 which is the same as last year, with certain adjustments required by previous action of the Town of Kingston or by law or the governing body may hold one special meeting, in accordance with RSA 40:13 XVI, to take up the issue of a revised operating budget only.

RECOMMENDED BY THE BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 584* NO 297

ARTICLE 12: It was voted to authorize the Tax Collector to allow a 1½ % deduction from Town Property Tax when payment is made within 30 days of billing.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 858* NO 37

ARTICLE 13: It was not voted to grant the Selectmen the authority to acquire or sell land, buildings, or both pursuant to the provisions of RSA 41:14-a. Once adopted, these provisions shall remain in effect until specifically rescinded by the Town at any duly warned meeting pursuant to RSA 41:14-c.

YES 380 NO 452*

ARTICLE 14: It was voted to raise and appropriate \$75,000 to be placed in the expendable trust fund to repair, maintain and improve Town buildings.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 657* NO 233

ARTICLE 15: It was voted to raise and appropriate the sum of \$100,000 to be added to the previously established Outside Detail Fund. The source of this revenue shall be clients of the Town and this article shall not impact the tax rate.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 665* NO 215

ARTICLE 16: It was voted to create a permanent full-time Police position and to raise and appropriate the sum of \$29,083 to include salary and benefits for 6 months, with a starting salary of \$33,280.00, not including benefits.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 543* NO 348

ARTICLE 17: It was voted to change an existing part-time position to a full time position in the Building Maintenance Department at a rate of up to \$13.00 per hour and to raise and appropriate \$19,124 which represents six months of salary and benefits.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 530* NO 362

ARTICLE 18: It was voted to create a permanent part time clerical position for the Highway Department at a yearly salary of \$11,250 and to raise and appropriate \$8,450 which represents nine months of funding.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 510* NO 379

ARTICLE 19: It was not voted to raise and appropriate the sum of \$7,000 to be used for the creation and maintenance of a "Town of Kingston" Web Site.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 392 NO 499*

ARTICLE 20: It was voted to raise and appropriate \$60,000 to be placed in a previously approved Capital Reserve Fund for the future replacement of Highway Equipment.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 604* NO 286

ARTICLE 21: It was voted to change the part time position of Fire Chief to a full time salaried position. Further to raise and appropriate the sum of \$32,368 to fund the position. Said amount, plus existing budgeted funds from the part-time Chief's salary line, will cover salary and benefits for the position for the first 6 month period. A full time Fire Chief will provide better management of the department operations while enhancing and expanding emergency services

offered to the town's residents. The position will also better serve the community in meeting changing State and Federal fire service codes and standards. The full yearly salary without benefits is \$49,500.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 495* NO 348

ARTICLE 22: It was voted to raise and appropriate the sum of \$60,000 to be placed in the previously established Fire Department Capital Reserve Fund for Apparatus replacement.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 536* NO 305

ARTICLE 23: It was voted to raise and appropriate the sum of \$75,000 to be placed in the previously established Capital Reserve Fund for Future Replacement, Refurbishment, or Upgrade of Fire Department Buildings. This Fund attempts to keep level taxation while planning for and preparing for future needs.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 475* NO 366

ARTICLE 24: It was voted to raise and appropriate the sum of \$40,000 to be added to the existing Nichols Memorial Library Capital Reserve Fund for Future Library Expansion and name the Nichols Memorial Library Board of Trustees and Board of Selectmen as agents to expend.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 432* NO 408

ARTICLE 25: It was voted to raise and appropriate the sum of \$10,000 to be added to the existing Kingston Recreation Capital Reserve Fund. Funds to be

earmarked for the construction of new ball fields, tennis courts and basketball courts at the area known as the Kingston Fairgrounds.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 462* NO 378

ARTICLE 26: It was voted to raise and appropriate the sum of \$60,000 to be placed in the Land Acquisition Capital Reserve Fund for the future purchase of development rights, conservation easements and other land acquisition to stabilize the tax base, maintain large tracts of land as such, and to help ensure that the development of additional large multi-house subdivisions do not have significant impact on taxes for town services such as education, fire and police.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 563* NO 274

ARTICLE 27: It was voted to permit the public library to retain all money it receives from its income generating equipment (e.g. copier, fax, printer, scanner) to be used for general repairs and upgrading and for the purchase of books, supplies and income-generating equipment. The purpose of this warrant article is to align library policy with RSA 202-A:11-a which governs use of proceeds from such equipment. This does not affect the tax rate nor change existing library policy. It requests formal permission to do what the library is presently doing in accordance with New Hampshire law.

YES 754* NO 92

ARTICLE 28: It was voted to modify the Blind Exemption according to the provisions of RSA 72:37a to allow an exemption based on assessed value for property tax purposes of his or her residential real estate in the amount of \$30,000. If this warrant article does not pass the existing exemption shall remain in effect, unmodified.

YES 503* NO 270

ARTICLE 29: It was voted to adopt the following bylaws for the Town Cemeteries.

Explanatory Note:

These bylaws have been revised to allow for sales of single grave lots, lots in the Veterans' section of Greenwood Cemetery, updated prices and clarification of cremation remains burials and monument regulations.

Kingston, NH Cemetery Bylaws

1. **Authority:** The care and use of the Town Cemeteries (Plains, Pine Grove, Greenwood, and Millstream) shall be administered by the Trustees of the Trust Funds, who are responsible for enforcing and amending these bylaws as required. Bylaws can only be changed by a vote of the Trustees of the Trust Funds after holding a posted public meeting noticing the proposed change(s).
2. **Sexton:** The Trustees shall appoint a Town Cemetery Sexton and define his or her duties and rate of pay.
3. **Cemetery plots:**
 - a. Grave sites are sold by Trustees of the Trust Funds, and may be purchased by residents or former residents, their relatives, or as otherwise provided for by the Selectmen (per vote of the Town, March 10, 1982). Sites within 100 feet of the memorial flagpole at Greenwood Cemetery are reserved for veterans and their immediate families.
 - b. Grave sites may be purchased individually, or in plots of two or more. Each grave site measures ten feet by three feet four inches. A single grave site may be used for one full burial and/or for cremation remains burials. There is no set limit for number of cremation remains buried, but only one grave marker is permitted for each single grave site.
 - c. The price of each grave site will be \$300.00, which includes perpetual care (mowing, seeding, weeding, trimming).
 - d. Burial plots may not be resold, except to the Town of Kingston, which will repurchase lots at the original sales price. Ownership of plots, and grave sites within plots, may be transferred upon death of the purchaser by will or probate in accordance with NH RSA 289:2 and 561:1. It is the responsibility of the recipient(s) of the site(s) to notify the Trustees of the Trust Funds (P.O. Box 880, Kingston, NH 03848) of the change of ownership by providing a copy of the will or probate decree to the Trustees.
 - e. Plots will be sold by designated numbers as shown on the official map of each cemetery. Deeds for the plots shall be issued by the Town.

4. Monuments and grave markers:

- a. Plots of two or more grave sites are permitted one medium-sized monument made of natural stone (maximum footprint of three feet in depth by six feet in width) placed in the center of the back line so as to maintain an even row of monuments in each row of graves.
- b. Single-grave sites may have a small stone monument or headstone (maximum footprint of two feet in depth by three feet in width) placed in line with other monuments in that row.
- c. Monuments must be placed on a stone or concrete foundation at least three feet deep.
- d. Stone or brick corner markers are required to mark the bounds of the lot and must not protrude more than one inch above the ground. Trustees are responsible for the placement of corner markers.
- e. Flush stone grave markers are desirable on multiple-grave plots, and must not protrude more than one inch above the ground. Only one flush marker is permitted on each single grave site.
- f. All monuments, headstones and grave markers must be sited entirely within the bounds of the plot, and at a location determined by the Trustees.

5. Interment procedures:

- a. Grave preparation shall be the financial responsibility of the plot owner and shall be performed by the Town Cemetery Sexton or by others approved by the Trustees.
- b. All full burial graves shall be provided with outside containers (vaults or liners) made of reinforced concrete, stone, non-ferrous metal, or approved synthetic material.
- c. If a container is used for cremation remains, it must be constructed of a permanent (non-decaying) material of sufficient strength as to avoid collapse.
- d. To enable location of site boundaries, and to avoid damage to existing graves, interments will not occur when the ground is covered by snow or is frozen. The Trustees may authorize exemptions from this clause at their discretion.

6. Decorations:

6. Decorations:

Only the following decorations are permitted:

- a. Up to two small evergreen shrubs may be planted adjacent to a monument. Living flowers or bulbs may be planted within one foot of the front of a monument. No plantings shall exceed the boundaries of the burial plot. The Trustees reserve the right to trim the shrubs as necessary to maintain the appropriate size and appearance.
- b. Natural flowers may be left at a grave site, but will be removed when dead or wilted. No artificial flowers are permitted.
- c. One flag in good condition, not to exceed 12 inches by 18 inches, may be displayed at a grave site from Memorial Day through Veterans' Day. All flags will be removed prior to snow covering the ground.
- d. The Trustees reserve the right to remove any items infringing on these regulations. Any exceptions to these regulations require the specific approval of the Trustees.

7. Vehicles and animals:

- a. All vehicles in a cemetery must remain on established roads and are limited to five miles per hour.
- b. No animals are permitted in the cemeteries.

YES 722* NO 137

ARTICLE 30: It was voted to raise and appropriate the sum of \$30,000 to be used to control and reduce the mosquito population which may carry the West Nile Virus.

NOT RECOMMENDED BY BOARD OF SELECTMEN

NOT RECOMMENDED BY THE BUDGET COMMITTEE

YES 453* NO 438

ARTICLE 31: It was voted to raise and appropriate the sum of \$2,000 to support the health services offered by SeaCare Health Services to the uninsured working families who are residents of the Town.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 665* NO 214

ARTICLE 32: It was voted to raise and appropriate the sum of \$500 to support the services of A Safe Place. The Task Force on Family Violence, D/B/A A SAFE PLACE, is a non-profit agency whose mission is to break the cycle of domestic abuse by providing crisis intervention, support services, education and advocacy to survivors, their families and the community. A SAFE PLACE has served the communities in Rockingham and Strafford counties for 27 years and relies on the generosity of each town to contribute in support of their efforts.

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY THE BUDGET COMMITTEE

YES 745* NO 146

ARTICLE 33: It was voted to support the Child Advocacy Center of Rockingham County.

YES 604* NO 228

ARTICLE 34: It was voted to raise and appropriate the sum of \$5000 for Steppingstone Music Opportunities, Inc., d/b/a **The Sad Café** to help sustain current and future researched based prevention programs serving the needs of local children, youth and families in the Sanborn and Timberlane Regional School Districts. In addition to Kingston, the towns of Plaistow, Newton, Hampstead, Atkinson, Sandown and Danville are requested to raise and appropriate equal amounts. Additionally, requested funds will assist in funding the position of Community Programs Director. The current Director has a masters degree in social work and will continue to provide professional services and effective grant writing skills in seeking state, federal and foundation funds in support of expanding community based programs. Town support of this position last year directly resulted in grant awards for programs benefiting the two school district communities in the amount of \$169,501 from county, state and federal sources. (Intent: Multiple community collaborative support for social service programs addressing regional concerns is a key component in receiving community program funding.)

RECOMMENDED BY BOARD OF SELECTMEN

RECOMMENDED BY BUDGET COMMITTEE

YES 579* NO 305

ARTICLE 35: It was voted to authorize the Board of Selectmen to sell and convey the Town-owned property located on Tax Map U-3, Lot 73 to John Shields, for the sum of at least \$1000. This property is non-buildable and will be added to Mr. Shields' property for the purpose of a play area.

YES 639* NO 217

Respectfully submitted,



Bettie C. Ouellette

Kingston Town Clerk