

TOWN OF KINGSTON, N.H.

TOWN MEETING MINUTES - MARCH 10, 1987

Article 1 - The Annual Town Meeting was called to order at 10 A.M. by the Moderator, Electra L. Alessio, for the balloting for Town Officers, Officers of the Sanborn Regional School District and nine Zoning Questions. It was voted to adjourn the meeting, after the close of the counting of ballots, until 7:00 P.M. on Wednesday at the Swasey Gymnasium, to take up the remaining articles of the warrant.

The Town Clerk, Bettie C. Ouellette, broke the seals on the boxes of ballots, and the Moderator inspected the ballot boxes. The Moderator announced that the Absentee Ballots would be processed at 2 P.M. The Assistant Moderator was Leonard Sanborn, and the Ballot Clerks were Rochelle Lafontaine, Holly Ouellette, Carolyn Christie, Rita Priore and Donna Grier. Edward W. Jervis, Jr. substituted for the Police Officer, and also counted at night. The other counters at night were Julia Baldwin, Janice Bradley, Sheila Briggs, David Conant, Mary Conant, Carolyn Harlow, George Harmon, Carol Howard, Dannielle Genovese, Norma Jervis, Olive Moriarty and Peter M. Sullivan. Selectmen were Michael Priore, Charles Hannagan and Marilyn Bartlett.

The following results of the balloting were announced by the Moderator: Total Cast 1,359, including 74 absentee ballots. Total on Check List 2,690.

Town Clerk for 3 years:

Bettie C. Ouellette	1258*
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Selectman for 3 years:

Alice P. Meehan	178
Charles J. Wagner	583*
Peter E. Wilson, Sr.	542

Selectman for 1 year:

William P. Brett	404
John J. Reinfuss	610*
William D. Whitney	237

Treasurer for 1 year:	
Olive Moriarty	1175*
Road Agent for 1 year:	
Earl S. Carter	573
Richard D. St. Hilaire	748*
Chief of Police for 1 year:	
Norman M. Bower	364
Neil R. Parker	963*
Police Officers for 1 year:	
Donald W. Briggs, Jr.	1134*
Glenn P. Miller	1042*
Constable for 1 year:	
Peter P. Basler	1123*
Trustee of Trust Funds for 3 years:	
Walter S. Clark, Sr.	1108*
Robert B. Kitt	966*
Auditors for 1 year:	
Roberta J. Mantone	1097*
Gertrude Semple	23* Write-ins
Fireward for 3 years:	
Norman R. Hurley	1088*
Library Trustee for 3 years:	
Carol J. Forsythe	1018*
Phyllis C. Gallagher	1024*
Municipal Budget Committee for 3 years:	
James T. Rankin, Sr.	987*
Jacqueline A. Russell	963*
Robert M. Shaughnessy	902*
Municipal Budget Committee for 2 years:	
Linda M. Nadeau	1035*
Municipal Budget Committee for 1 year:	
Allen G. Kermick	1002*

Article 14 - Are you in favor of combining the office of Town Clerk and the Office of Tax Collector into a new office to be known as Town Clerk-Tax Collector, with a three year term, per RSA 41:45-a? YES: 906 NO: 295

Article 5 - Are you in favor of adopting the following Growth Management Ordinance to replace the Interim Regulation adopted at the annual Town Meeting on March 11, 1986 as proposed by the Planning Board?

Growth Management Regulation

The proposed Ordinance limits building permits for new multiple bedroom homes to the chart shown at the end of this Ordinance and limits building permits for new single bedroom dwelling units to 24 per year.

All dwelling units, including manufactured homes, within the Town of Kingston, whether seasonal or permanent, shall be in conformity with the provisions of this Ordinance. No dwelling unit which fails to meet the requirements of this Ordinance shall be constructed or placed within the Town of Kingston.

1. Residential Building Permits shall be divided into 3 classes as follows:
 - a. Class (A) Single Family Residential and/or Multi-Bedroom Units.
 - (1) Building permits shall be limited according to the chart, including manufactured housing. However, no more than 50% of said building permits shall be issued for manufactured housing.
 - b. Class (B) 1 Bedroom Dwelling Units
 - (1) Building permits shall be limited to 24 units per year. However, any structure which shall contain more than 2 units must be subject to site review and all residential requirements including, but not limited to, acreage. Any alteration, addition or deviation from the original proposal will require a new site review and approval by the Planning Board.
 - c. Class (C) The number of permits for non-dwelling construction, senior citizen housing, Federal housing or permits for expansion, alteration, renovation or

replacement of existing dwellings will not be limited by this Ordinance.

II. The following shall be the application procedure for obtaining building permits:

- a. All completed applications for building permits shall be submitted with the proper fees, in person by the applicant to the office of the Board of Selectmen during regular business hours.
- b. No applicant may apply for or receive more than one (1) Class A permit per month for the months of March through August. An applicant may not apply for or receive a total of more than 4 Class A building permits per year. An applicant may apply for as many as 3 building permits in September or October as long as the same applicant does not receive more than 4 total Class A permits for the year beginning with the enactment of this Ordinance.
- c. The building permits issued by the Building Inspector shall be posted at the Town Hall by the tenth (10) day of each month for the preceding month's applications.

III.

- a. The owner of controlling interest in any legal entity, regardless of whether said interest is held as an individual, joint tenant, tenant in common, partner in partnership, shareholder in a corporation, or combination thereof for the purpose of this Ordinance shall be termed the applicant. No application for a building permit will be accepted from a party who, in an attempt to avoid the permit limitations of this paragraph, has failed to pay fair consideration as defined by RSA 545:3 for the lot which is the subject of the permit. A recorded copy of the current deed recorded at the Rockingham Registry of Deeds must be attached to the building application.
- b. Change in a dwelling from seasonal to permanent use shall require inspection and approval by the Building Inspector and Water Supply and Pollution Control Commission. (RSA 149:E).
- c. Building permits issued hereunder shall not be transferable and shall apply to a specific project, location and applicant only. Work proposed shall commence within

six months of the date of issuance and shall be completed within two (2) years. Failure to commence construction in a timely fashion shall result in the expiration of said permit.

- IV. a. For the purpose of this Ordinance, dwelling unit is defined as a room or group of rooms designed and equipped exclusively for use as living quarters for only one family or one unrelated household including provisions for living, sleeping, cooking and eating.
- b. A family shall be defined as a number of persons living together and related by blood, marriage or adoption.
- c. An unrelated household is defined as a number of unrelated persons living together, provided that no such household shall have a number of members in excess of one person for every 300 square feet of floor space in each dwelling unit.
- d. Senior Citizen housing means a group of small dwelling units situated and arranged so as to provide comfort, security, social contact, convenience and congenial surroundings for permanent residents at least 55 years of age and the Selectmen shall revoke the building permit or certificate of occupancy by persons below such age.
- e. Federal Housing is multi-unit housing which is specifically funded by the State or Federal government or agencies thereof for the use and occupancy of the elderly, handicapped or economically disadvantaged persons qualifying under the programs funded by the State or Federal governments.
- V. Should any section or provision of this Ordinance be declared by a Court of appropriate jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
- VI. The effective date of this Ordinance is upon passage. The within Ordinance shall expire six (6) years from the effective date as adopted under RSA 674:22. The Board will review the Ordinance yearly and if found necessary, request the town approve any changes it deems necessary.

The following table shall apply for multiple bedroom home permits:

1987	49 permits
1988	51 permits
1989	52 permits
1990	54 permits
1991	55 permits
1992	57 permits

These figures represent 3% of existing housing stock for each year. Any permits left over shall be carried over to the next year. YES: 728 NO: 490

Article 6 - Are you in favor of amending Article IV of the Zoning and Building Code of the Town of Kingston, N.H., as adopted at the annual Town Meeting held on March 11, 1980 as proposed by the Planning Board by adding: 4.80 Kingston Industrial/ Light Industrial-Commercial District.

YES: 365 NO: 870

(Since this article was defeated, it is not printed in its entirety.)

Article 7 - Are you in favor of instructing the Kingston Planning Board to draw up a Commercial/Multi-Residential Zone to be located on Route 125, north?

YES: 506 NO: 677

Article 8 - Are you in favor of amending Article IV of the Zoning and Building Code of the Town of Kingston, N.H., as adopted at the annual Town Meeting held on March 11, 1980 by adding: 4.90 Commercial/Multi-Residential District.

YES: 490 NO: 634

(Since this article was defeated, it is not printed in its entirety.)

Article 9 - Are you in favor of amending Article IV of the Zoning and Building Code of the Town of Kingston, N.H., as adopted at the annual Town Meeting held March 11, 1980, as proposed by the Planning Board by adding:

4.30 SINGLE FAMILY RESIDENTIAL DISTRICT

4.31 adding after centerline of Rockrimmon Road the following: "and Tax Map R-9 except for the areas 200 feet south of

a line paralleling Newton Junction Road and areas west of a parallel line 1,000 feet back from Route 125 on the easterly side of said highway. Also areas within 400 feet of Windsong Drive, Cardinal Road, and Gunstock Drive, Tax Map R-7 and areas within 400 feet of Hunt Road from 1,000 feet west of Route 125 to the Danville line including Jericho Drive, Morning Dove Road, Robin Lane are included as well as the areas within 400 feet of Acorn Drive, Bob-White Drive, Oak Ridge Lane and Cheney Lane and the northerly side of North Danville Road, the area within a line running parallel to said road 1,000 feet back on the northerly side, and the area surrounding Happy Hollow Lane and Hillside Drive." YES: 606 NO: 519

Article 10 - Are you in favor of amending the fee schedule listed under BUILDING INSPECTOR as adopted at the annual Town Meeting held March 14, 1977, as proposed by the Board of Selectmen with the following change:

YES: 548 NO: 602

(Since this article was defeated, it is not printed in its entirety.)

Article 11 - Are you in favor of amending Article VI, sections 6.21 and 6.22 of the Zoning and Building Code of the Town of Kingston, N.H., as adopted September 9, 1986 by deleting 1981 from 6.21 and 1985 from 6.22 and inserting "the current issue accepted by the State of N.H. Fire Marshal."

YES: 686 NO: 404

Article 12 - Are you in favor of amending Article VI of the Zoning and Building Code of the Town of Kingston, N.H., as adopted at the annual Town Meeting held on March 14, 1978, as proposed by the Planning Board by adding:

6.23 All buildings and structures shall be subject to the following regulations, restrictions and conditions in accordance with the B.O.C.A. Fire Prevention Code, the current issue accepted by the State of N.H. Fire Marshal, substituting for the violation and penalty sections, N.H. Revised Statutes Annotated 676:17. YES: 737 NO: 398

Article 13 - Are you in favor of amending Article VI of the Zoning and Building Code of the Town of Kingston, N.H. as adopted at the annual Town Meeting held on March 14, 1978, as proposed by the Planning Board by adding:

6.24 All buildings and structures shall be subject to the following regulations, restrictions and conditions in accordance with the N.F.P.A. 30, 31, and 211, the current issue accepted by the State of N.H. Fire Marshal, substituting for the violation and penalty sections, N.H. Revised Statutes Annotated 676:17.
YES: 713 NO: 394

(Notation: It was voted to keep the polls open until 7:15 P.M. because of the large number of people in line waiting to vote at 7 P.M.)

*Elected

All elected officers took the oath of office.

SANBORN REGIONAL SCHOOL DISTRICT OFFICERS

1,359 Votes Cast, including 74 absentees

School Board Member for Kingston - Term Ending 1990:

Alan D. Goldman	420
Muriel Ingalls	833*

School Board Member at Large - Term Ending 1990:

George A. Schiller, Jr.	1075*
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Moderator - Term Ending 1988:

Richard L. Russman	1141*
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The ballots were wrapped, sealed and locked in the vault at the Town Hall at 12:45 A.M., March 11, 1987.

Bettie C. Ouellette
Kingston Town Clerk

MINUTES OF CONTINUED TOWN MEETING AT SWASEY GYMNASIUM March 11, 1987

Meeting was called to order at 7 P.M. by Electra L. Allesio, Moderator. She introduced the Selectmen: Chairman Michael R. Priore, Charles F. Hannagan and Marilyn B. Bartlett. She also introduced the Town Clerk, Bettie C. Ouellette, and the following members of the Municipal Budget Committee: Chairman Carroll E. Wright, Edward W. Jervis, Jr., Linda M. Nadeau, James T. Rankin, Sr., Robert M. Shaughnessy, Herbert G. Noyes, John J. Reinfuss, Ronald B. Davis, Jacqueline A. Russell, and Steven P. Smith, Sr. Later on, Allen G. Kermick and Charles J. Wagner joined the Committee. The Moderator read the results of the balloting for Town Officers from yesterday's election.

Article 2 - A motion was made by Carroll Wright, and seconded, to raise and appropriate \$1,526,744.00 to defray Town charges for the ensuing year. This was followed by an amendment made by Selectman Michael Priore, to change the figure to \$1,536,936.00 After this amended amount was voted, there was a new amendment made by Norman Hurley, to increase the Fire Dept. budget by \$8,647.00. The amendment was voted in the affirmative, and upon returning to the main motion, as amended, it was voted to raise and appropriate \$1,545,583.00 to defray Town charges for the ensuing year. (Unless otherwise specified, all votes were by voice.)

Article 3 - It was voted to authorize the Selectmen and Town Treasurer to borrow such sums of money in anticipation of the collection of taxes for the current year and to issue in the name of the Town, negotiable notes, the aforesaid notes to be paid during the current year from taxes collected during the year.

Article 4 - It was voted to authorize the Tax Collector to allow a deduction of 1½% from Town Property Tax when payment is made within 30 days of billing.

Article 5 - Voted by written ballot on March 10th.

YES: 728 NO: 490

Article 6 - Voted by written ballot on March 10th.

YES: 365 NO: 870

Article 7 - Voted by written ballot on March 10th.

YES: 506 NO: 677

Article 8 - Voted by written ballot on March 10th.

YES: 490 NO: 634

Article 9 - Voted by written ballot on March 10th.

YES: 606 NO: 519

Article 10 - Voted by written ballot on March 10th.

YES: 548 NO: 602

Article 11 - Voted by written ballot on March 10th.

YES: 686 NO: 404

Article 12 - Voted by written ballot on March 10th.

YES: 737 NO: 398

Article 13 - Voted by written ballot on March 10th.

YES: 713 NO: 394

Article 14 - Voted by written ballot on March 10th.

YES: 906 NO: 295

Article 15 - It was voted, as amended twice, to instruct the Moderator to appoint three (3) citizens to serve on a special unpaid committee to be known as a Regional Disposal Planning Committee for the purpose of studying the advisability of establishing a Regional Refuse Disposal District and drawing up a proposed agreement therefore as authorized by RSA 53-RSA 53-A. The Town directs these committee members to take the position that Kingston will not be considered as a depository for ash or a location for a refuse burning plant under any circumstances. The amendments were made by Charles Ethier, Jr. and Richard Russman.

Article 16 - A motion was made and seconded to raise and appropriate \$7,340.00 for the purpose of meeting the expenses of the Regional Disposal Planning Committee, established in Article 15. Then an amendment was made by Charles Ethier, Jr. to change the amount to \$2,500.00. This amendment was defeated, and after voting to cut off debate, the main motion was also defeated.

Article 17 - This article relative to establishing and funding a third position in the Selectmen's Office for the sum of \$11,250.00 was passed over, because it was included in the budget in Article 2.

Article 18 - It was voted, as amended, to authorize the Selectmen to appoint a committee to study the feasibility of acquiring the Compair-Kellogg property if available, and to actively pursue attracting quality environmentally safe businesses and industries to increase Kingston's tax base. The amendment was made by Lynne Merrill. Another amendment, made by Carol Forsythe, to strike out the word "industries" was not seconded.

Article 19 - It was voted to raise and appropriate the sum of \$45,000.00 to be placed in the Capital Reserve Fund for the revaluation of the Town and authorize the Board of Selectmen to withdraw monies from said Capital Reserve Fund to pay the State for work completed as the project progresses.

Article 20 - It was voted by standing vote (Yes 96, No 80) to raise and appropriate the sum of \$25,000.00 for computerization of the Selectmen's Office, and, if feasible, those of the Town Clerk/Tax Collector and all other Departments. The Moderator shall appoint a committee to solicit and evaluate proposals from various system suppliers and make recommendations to the Selectmen concerning the most cost effective and expandable system to suit the present and future needs of all Town Departments. Based on the Committee's recommendations, the Selectmen may enter into a contract or contracts for procurement of the computer system. This article was amended by Frank Becker, with a substitute motion. The vote was taken

after it was voted to cut off debate. When the Moderator was uncertain about the voice vote the standing vote was counted by the following tellers: William Whitney, David Conant and Carolyn Harlow.

Article 21 - It was voted, as amended, to appropriate and authorize the withdrawal of the sum of \$23,126.96 from the Revenue Sharing Fund, established under the provisions, of the State and Local Assistance Act of 1972 to be used toward the purchase and equipping of a new four-wheel drive one ton dump truck for the Highway Dept., and to sell at auction the old one ton dump truck with the proceeds to be used to purchase a Sander for the new truck.

Article 22 - It was voted to raise and appropriate the sum of \$7,200.00 to purchase a sander for the Kingston Highway Department.

Article 23 - It was voted to pass over this article relative to purchasing a 47 horsepower Model 2910 tractor with a six foot rotary mower to mow the plains.

Article 24 - It was voted to raise and appropriate \$16,650.00 for nine months to establish the position of full-time Police Officer. Said sum includes wages for nine months and benefits.

Article 25 - It was voted to raise and appropriate \$5,430.00 for three months to establish the position of full-time Police Officer. Said sum includes wages for three months and benefits.

Article 26 - It was voted to authorize the Selectmen to raise and appropriate \$1,100.00 for added insurance costs to keep the 1985 Ford Cruiser as an unmarked cruiser to be used by the Police Dept.

Article 27 - It was voted to raise and appropriate \$1,000.00 for the purpose of purchasing four (4) manual control targets (\$250.00 each) to better train and qualify the Police personnel.

Article 28 - This article relative to purchasing a complete camera outfit for 900.00 for the Police Dept., was passed over.

Article 29 - This article relative to raising and appropriating \$1,400.00 for a dental plan for all full-time Town employees from Northeast Delta Dental through the N.H. Municipal Association, was not passed.

Article 30 - It was voted to authorize the Selectmen to apply for, receive and expend a sum of \$10,000.00 for radar patrol if available or awarded under the State of N.H. Safety Program as 100% State funded.

The Moderator announced a ten minute break.

When the meeting was reconvened, Dorothy DeMarco and Dorothy Wagner asked that Article 49 be considered before Article 31, but there was an objection and the Moderator proceeded with the meeting.

Article 31 - It was voted to raise and appropriate \$25,000.00 to be added to the Capital Reserve Fund for the future replacement of Engine #2 1968 Chevrolet.

Article 32 - It was voted to raise and appropriate the sum of \$3,100.02 to be placed in the Capital Reserve Fund for the future replacement of the ambulance, RSA 35:1 (B) Supp) & RSA 35:3 (Supp) & RSA 35:11 & Chapter 35 generally. Said sum representing the monies received from the use of the ambulance for the year 1986, including \$3,100.02 collected from ambulance fees.

Article 33 - It was voted, as amended, to raise and appropriate \$6,250.00 for the purpose of a Life Pak 200 Defibrillator. Price to include the training of all EMT personnel and spare battery for the Life Pak. There was a standing "eye" vote, after it was voted to cut off debate. There was another amendment to change dollars to \$5,700.00 and it was defeated.

Article 34 - It was voted to pass over this article relative to purchasing an air conditioner for the meeting hall at the firehouse for \$1,250.00.

Article 35 - It was voted to raise and appropriate the sum of \$1,040.00 as a raise for the Maintenance/Custodian position.

Article 36 - It was voted to raise and appropriate the sum of \$700.00 for the purchase and installation of a new 3 section sink in the kitchen of the Town Hall. An amendment to change the amount to \$200.00 "to install a new additional sink", was not passed, after it was voted to cut off debate on the amendment which was made by Marilyn Bartlett.

Article 37 - It was voted to raise and appropriate the sum of \$1,700.00 for the painting of the Grace Daley House. (This sum includes scraping and priming where necessary. Some has already been done, and includes labor only. Primer and paint to be provided by another source.)

Article 38 - It was voted to raise and appropriate the sum of \$2,500.00 for a hood, duct work, and fan and extinguisher system to be installed over the gas range in the kitchen of the Town Hall.

Article 39 - Pursuant to RSA 39:3, it was voted to instruct the Town's Representatives to the General Court to take all necessary measures to insure that no low level radioactive waste from the Seabrook Nuclear Plant shall be stored or disposed of within this Town of Kingston, N.H. unless and until the proposed site of the proposed storage or disposal has been approved by the voters of the Town at the Annual Town Meeting by written ballot.

Article 40 - It was voted to add to the General Reserve Fund, established in 1984 for Cemetery Maintenance, the sum of \$450.00, being the amount received in 1985 for the sale of cemetery lots and the sum of \$600.00, being the amount received in 1986 for the sale of cemetery lots.

Article 41 - It was voted to adopt the following Ordinance:

It shall be illegal to dump any material at the Kingston Sanitary Landfill without obtaining permission from the Board

of Selectmen of the Town of Kingston. A fine not to exceed \$500.00 may be levied against any person or persons violating this ordinance. Furthermore any person or persons who enter the Kingston Sanitary Landfill area after being denied permission by the landfill operator, dump checker, or any Town official may be charged with criminal trespassing.

Article 42 - It was voted to establish a trust fund under the control of the Trustees of the Trust Funds. Said account is to be funded by an additional charge placed on our contracts with towns and on commercial haulers for the use of the Kingston Sanitary Landfill when the contracts are renegotiated.

The funds are to be placed in an escrow account, at interest, until such time as they are needed to offset costs involved with closing the Kingston Sanitary Landfill. Any amount remaining at the time of the landfill closure will be returned to the contributors in proportion to their contribution.

Article 43 - It was voted to authorize the Board of Selectmen to apply for, accept, and expend without further action by Town Meeting, money from the State, Federal, or other governmental unit or a private source which becomes available during the 1987 calendar year provided that such expenditure be made for purposes for which a Town Meeting may appropriate money and that such expenditure not require the expenditure of other Town funds. Further, that the Board of Selectmen and the Municipal Budget Committee hold a public hearing prior to accepting and spending such money.

Article 44 - It was voted to indemnify and save harmless for loss or damage occurring after said vote any person employed by the Town and any member or officer of its governing board, administrative staff or agencies including but not limited to Selectmen, School Board Members, Town Managers and Superintendents of Schools from personal financial loss and expense including reasonable legal fee and costs, if any arising out of claim, demand, suit or judgement by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury,

damage or destruction was acting in the scope of his employment or office, as set forth in RSA 31:105 Law of N.H.

Article 45 - It was voted to adopt the provisions of RSA 72:1-C which authorizes any town or city to elect not to assess, levy and collect a Resident Tax. The vote was taken after it was voted to cut off debate.

Article 46 - It was voted on a standing "eye" vote, to create a Capital Reserve Fund (RSA 35) for conservation land purchase and to raise and appropriate the sum of \$10,000.00 for the Kingston Conservation Commission to enable it to purchase land, easements, development rights, water rights including ground water recharge areas for future Town water supply, and which purchase or purchases it deems to be in the public interest for the purpose of preserving open space land and natural resources in the Town and to provide sights for passive recreational use. The voice vote was taken after it was voted to cut off debate, and the Moderator announced that it did not pass, whereupon this announcement was challenged by Norman Hurley, and the Moderator reversed her decision on the standing "eye" vote.

Article 47 - This article relative to raising and appropriating \$1,500.00 for Kingston's contribution to the Vic Geary Senior Center, was passed over.

Article 48 - This article relative to raising and appropriating \$1,000.00 to defray a portion of the cost of service rendered by the Area Homemaker Home Health Aid Service, Inc., a non-profit organization, was passed over.

Article 49 - It was voted to raise and appropriate the sum of \$2,000.00 for the support of the Child Development Council, Inc., doing business as The Kingston's Children's Center and Kindergarten Annex. This is a non-profit organization that provides pre-school educational services and daycare.

Article 50 - This article asking to change the name of Old Rte. 125 Access Road to Dunbar Lane was not passed. This vote was taken after it was voted to cut off debate.

Article 51 - It was voted, as amended, to authorize the Selectmen to sell tax deeded property at public auction, and that we do not sell any land that gives us access to waterways.

Article 52 - It was voted to accept the Auditor's Report for the Town Report as printed.

Article 53 - It was voted, on a motion by Carroll Wright, to accept the total of \$1,723,429.98 as the total appropriations. The amount includes the Town operating budget and all voter approved warrant articles.

Marilyn Bartlett thanked Michael Priore for his 15 years of service as Selectman. She also thanked Charles Hannagan for filling in as Selectman for the rest of the year, and she thanked Carroll Wright and the Budget Committee for their work.

Herbert Noyes thanked all Town Officers for their cooperation and help with the Budget Committee.

Glenn Miller also expressed his thanks and appreciation to Michael Priore.

Carol Marvin inquired about who would continue the Food Pantry, and Marilyn Bartlett expressed her hopes that Michael Priore would continue with this project.

The meeting was adjourned at 12:09 A.M., March 12, 1987.

Bettie Ouellette
Kingston Town Clerk

MINUTES OF SPECIAL TOWN MEETING
October 27, 1987

The Meeting was called to order at 10 A.M., by the Moderator, Electra L. Alessio. She inspected the ballot box and announced that the Absentee Ballots would be processed at 2 P.M. She directed the Town Clerk to break the seal on the ballots. She also announced that the meeting would be reconvened at 8 P.M. following the counting of the ballots.

At this time, the following Petition was presented to the Moderator by Robert H. Owen, 55 Hunt Road:

“To the Moderator: 10-27:87

We the undersigned, residents and registered voters of the Town of Kingston, wish to register our belief that the ballot Question #4, relating to the enactment of a zoning ordinance to wit: 4.80 Industrial Zone, does not comply with the Statutes wherein the Statute states that the ballot question should contain sufficient information to convey the impact of a voters decision to that voter.

We therefor express our opinion that the ballot is legally flawed and subject to challenge in a court of law.”

This petition was signed by Mr. Owen and 16 others.

The workers were Leonard F. Sanborn, Assistant Moderator; Bettie C. Ouellette, Town Clerk; and the following Ballot Clerks: Holly Ouellette, Carolyn R. Christie, Julia M. Baldwin and Donna M. Grier, Marilyn B. Bartlett was both a Ballot Clerk and Selectman. John J. Reinfuss was Selectman and was joined later by Charles J. Wagner, Selectman. The Police Officer was Patricia E. Parker and she was also a counter later on. Additional counters (after the Polls closed at 7 P.M.) were Carolyn D. Harlow, Mary R. Conant, David G. Conant, Norma B. Jervis, Edward W. Jervis, Jr. and Phyllis R. Buckley.

The Meeting was reconvened at 8 P.M. The Moderator introduced the Selectmen: Charles J. Wagner, Marilyn B. Bartlett, and John J. Reinfuss, and the Town Clerk, Bettie C. Ouellette.

The Moderator read the results of the two articles voted upon by written ballot - #1 YES 408 NO 164 and #4 YES 324 NO 258 - 582 votes were cast. She also announced that a Petition had been received regarding the legality of Article 4 on the ballot.

Article 1 - Do you agree to have the Town participate in the National Flood Insurance program (NFIP) by directing the Board of Selectmen to complete the eligibility application and submit the required information to the Federal Insurance Administration?

(Said Article was voted by written ballot)

Results: YES 408 NO 164

Article 2 - It was voted, by voice vote, to adopt the following RESOLUTION:

WHEREAS, certain areas of Kingston are subject to periodic flooding from streams, rivers and lakes, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Special Town Meeting to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to New Hampshire RSA Chapter 31, 36, 156, and 156A.

NOW, THEREFORE, BE IT RESOLVED, That this Special Town Meeting hereby:

1. Assures the NFIP that it will enact and maintain in force those areas having flood hazards, as delineated by the Flood Hazard Boundary Map issued by the NFIP dated March 6, 1979 and any published revision to this map, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and

2. Vests the Planning Board with the responsibility, authority, means to:

(a) Assist the Administrator, at his request, in his delineation of the limits of the area having special flood hazards.

(b) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain areas.

(c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain areas and cooperate with neighboring municipalities with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards.

(d) Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the town in the development and implementation of floodplain management measures.

3. Appoints the Building Inspector to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certification of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest habitable floor (including basement if habitable) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

It was voted, by voice vote, to dispense with reading the entire Article 3, as everyone had a copy of same.

Article 3 - It was voted, by voice vote, to establish the following building regulations pursuant to RSA 156 as follows:

1. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (50% or more of the market value of structure including prefabricated and manufactured homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. The Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood elevation (BFE), (ii) Elevate the lowest floor (including basement) of all new construction and substantial improvement of residential structures to or above BFE, (iii) Prohibit encroachment including fill, new construction, substantial and other development within the floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge, (iv) All manufactured homes to be placed or substantially improved in Zone A be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above BFE.

3. The Building Inspector shall require that all manufactured homes to be placed within Zone A on the community's Flood Hazard Boundary Map or Flood Insurance Rate Map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors as follows: (i) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and mobile home less than 50 feet long requiring one additional tie per side, (ii) frame ties be provided at each corner of the home with five additional ties per side intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the manufactured home be similarly anchored.

4. Require permits for all proposed development in any area of special flood hazard. The term "development" is defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations."

5. Review permits for proposed development to assure that all other necessary permits have been received from those governmental agencies such as from which approval is required by Federal or State Law.

6. Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

7. Require within flood-prone areas new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

8. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator; Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

DEFINITION OF TERMS:

1. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

2. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

3. "Flood Plain" or "Flood-prone area" means a land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded, and is designated as numbered "A Zones" and "B Zones" on the Flood Insurance Rate Map.

4. "Flood Boundary and Floodway Map" (Floodway) is an official map of the community on which FEMA has delineated the "Regulatory Floodway". This map should not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

5. "Floodway" mean the channel of a river or other watercourse and the adjacent land areas required to carry and discharge the 100 year flood without cumulatively increasing the water surface elevation more than 1 foot.

6. "100-year flood" or " 'A' Zones" means the level of flooding with a 1 percent or greater chance of occurring in any given year, and is designated as numbered "A Zones" on the Flood Insurance Rate Map.

7. "Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof.

8. "Structure" means of for floodplain management purposes, walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; or does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

9. "Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places.

10. "B Zones" means those areas between the limits of the 100 year and 500 year flood; or certain areas subject to 100 year flooding with average depths of less than one (1) foot.

Article 4 - Are you in favor of amending Article IV of the Zoning and Building Code of the Town of Kingston, New Hampshire, as adopted at the annual Town Meeting held on March 11, 1980 as proposed by the Planning Board by adding:
4.80 Kingston Industrial Zone

This question was voted by written ballot.

RESULTS: YES 324 NO 258

(The following is the entire Article.)

The Industrial Zone is established as a zone in which the principal use of land is for industry and associated uses. By establishing compact areas for such uses, better fire protection, police protection and utilities may be provided. Performance standards and yard regulations are set forth in this Ordinance to insure safe development that is compatible with adjacent uses. The purpose of this district is to encourage business growth and industrial installations in a campus like arrangement in the vicinity of important highways.

I District Borders

The district shall be the Town of Kingston Tax Map R-2.

EXCEPTIONS: The district will not include present residences and up to 80,000 square feet associated with each, or approved building lots as of the date of this Ordinance.

II Permitted Uses

The following are permitted:

1. Businesses such as: public garages, repair shops, sales agencies for automobiles, boats, farm, industrial and construction equipment.

2. Establishments for the sale or storage of furniture, plumbing supplies, construction supplies, and building materials.

3. Animal hospitals, greenhouses, nurseries, boarding kennels.

4. Shops for the use of carpenters, cabinet makers, electricians, painters, upholsterers, plumbers or repairers of televisions and home appliances.

5. Plants for the manufacturing of electrical or electronic devices, appliances, apparatus or supplies, medical, dental, or drafting instruments, optical goods, watches, or other precision instruments.

6. Research, experimental or testing laboratories of a non-hazardous nature.

7. Cement plants, asphalt plants, rock crushing and stone washing operations.

III Site Plan Review

Application for commercial or industrial structures located within the district shall require the submission of a site development plan to the Planning Board. The site development plan shall show all structures, roadways, parking areas, utility and exterior structures and usages within 200 feet of the developed area, and any other elements as may be deemed essential by the Planning Board.

IV Performance Standards

1. Odor, Dust and Smoke

Emissions into the air shall conform to New Hampshire RSA 125 of the current air quality standard ordinance.

2. Noise

All noise shall be muffled so as not to be objectionable due to intermittance, beat frequency or shrillness, and as measured at any property line of the lot shall not exceed the following intensity in relation to sound frequency:

Frequency, cycles	Maximum Sound Level, above zero Decibels permitted*
0 to 74	74
75 to 149	59
150 to 299	52
300 to 599	46
600 to 1199	42

1200 to 2399	39
2400 to 4799	36
4800 and up	33

*According to the following formula: Sound pressure level is Decibels equals $10 \log P1/P2$, where P2 equals 0.0002 dynes/cm².

a. Such sound levels shall be measured with a sound level meter and octave band analyzer approved by the United States of American Standards Institute.

b. Noise-making devices which are maintained and utilized strictly to serve as warning devices are excluded from these regulations.

3. Heat, Glare, Vibration and Radiation

No heat, glare or vibration shall be discernible without instruments from the outside of any structure and no nuclear radiation shall be discernible from the outside of the structure with or without instruments.

4. Storage

All materials, supplies and equipment shall be stored in accord with Occupancy Standards and Process Hazards of the National Fire Protection Association, National Fire Codes, Volume 9 as amended, and shall be screened from view from public ways or abutting properties. No truck bodies, trailer vans or similar cargo vehicles or dumpsters, may be used for storage without a permit from the Selectmen.

V Lot Size, Dimensions, Set Backs

1. Lot Size

Minimum lot size for industrial use in the Industrial Zone will be 120,000 square feet.

2. Dimensions

Dimensions will be as shown in Table 1.

3. Set Back

All industrial development on a site, including parking for heavy trucks or heavy equipment, must be 500 feet from the nearest residence. Employee parking and commercial uses are allowed to within 200 feet of the nearest residence.

VI Residences

No new residences may be built in the Industrial zone.

EXCEPTIONS: New Residences may be built on house lots approved prior to enactment of this Ordinance. Replacement of existing residences will be allowed.

VII Separability

If any section, provision, portion, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

Zoning Schedule of Bulk and Coverage Controls for Industrial Zone, Kingston, New Hampshire:

Table 1

Minimum Lot Area (sq. feet)	120,000
Minimum Lot Width - Feet Front	200
Minimum Lot Depth (feet)	200
Maximum Height feet/stories	35
	2 1/2
Minimum Front Yard (feet)	60*
	125**
Minimum Side Yard (feet)	25
Minimum Rear Yard (feet)	25
Maximum Lot Coverage (%)	70***

* Applies to both streets on corner.

** 125 feet from State numbered Routes.

*** Includes paved parking and roads.

Article 5 - It was voted, by voice vote, to adopt the following Article:

SUBDIVISION REVISION

3.2 USE OF LAND

Add 3.25 The Planning Board shall review the proposed development including manufactured home parks or submissions to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Amendments of 1972, 33 U.S.C. 1334. The Planning Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevations data. SAID ARTICLE TO BE ACTED UPON AT THE NEXT PLANNING BOARD MEETING TO BE HELD ON NOVEMBER 3, 1987.

Article 6 - It was voted, as amended, by a standing "eye" vote, to authorize the Selectmen to contract with a private or public firm as necessary for the purpose of performing the revaluation of the Town, using the funds previously appropriated by the Town to pay for the revaluation. The amended article was introduced by Charles Wagner. An amendment, made by Charles Hannagan, to add "after soliciting bids", was defeated by voice vote. This vote was taken after a motion made by Steven Smith, Sr., "to move the question", was passed, by voice vote. The final vote on the amended article was taken after a motion made by David Conant "to move the question", was passed by voice vote.

The Moderator asked if there was any further business to come before the meeting, and there was none. The meeting was adjourned at 8:47 P.M.

Bettie C. Ouellette
Kingston Town Clerk