

## MINUTES OF TOWN MEETING

March 12, 2002

The Annual Town Meeting was called to order at the Town Hall by the Moderator, Electra Alessio, at 8:00 AM for the voting by secret ballot for the election of Town Officers, 20 regular Town articles and 3 Zoning articles, as well as the voting for the election of officers of Sanborn Regional School District and the voting on 14 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. A second Accu-Vote machine was rented for this election. There were a few waiting lines.

The Ballot Clerks were Donna M. Grier, John M. Whittier, Jean M. Spinella, Diane L. Eadie, Holly Ouellette, Gloria M. Parsons, Mary L. Hesse and Joanne E. Lambert. The Police Officer was Donald W. Briggs, Jr. The final results were announced by the Moderator at 9:10 PM. The ballots were sealed and locked in the vault at 9:15 PM.

The total count was 1912, including 75 absentee ballots. 101 new voters were registered at the polls, bringing the total voters on the checklist to 3263. Total of all ballots was 11,472 (1912 x 6). The percentage voting was 59.

The following results were obtained:

### MODERATOR FOR TWO YEARS

ELECTRA L. ALESSIO 1615\*

### SELECTMAN FOR THREE YEARS

MARK A. HEITZ 1059\*  
BRIAN WOODWORTH 655

### SUPERVISOR OF CHECKLIST FOR SIX YEARS

LEO J. MORIARTY 1569\*

### TRUSTEE OF TRUST FUNDS FOR THREE YEARS

JOYCE DAVIES 1379\*  
ANTHONY WHITCOMB 1289\*

### LIBRARY TRUSTEE FOR THREE YEARS

ELEANORE R. COFFIN 1367\*  
ROBERT M. MCPHEE 1328\*  
PETER J. SULLIVAN 1351\*

**FIRE WARD FOR THREE YEARS**

KEVIN SCHEA 1454\*

**MUNICIPAL BUDGET COMMITTEE FOR THREE YEARS**

MARILYN BARTLETT 1264\*  
PETER V. BRODERICK 1156\*  
ELLEN L. FAULCONER 1038\*  
ROXANNE M. MOORE 850  
KEVIN P. ST. JAMES 1187\*

**PLANNING BOARD FOR THREE YEARS**

GLENN G. COPPELMAN 1388\*  
ELLEN L. FAULCONER 1230\*

ARTICLE 2: The Town did not vote to raise and appropriate the sum of \$1,857,260 for the construction and original equipping of a new library, at Church Street, to include associated costs; not more than \$1,857,260 of the sum to be raised through the issuance of bonds or notes; under and in compliance with the Municipal Finance Act, RSA 33:1 et seq. as amended; to authorize the Board of Selectmen to apply for, obtain, and accept Federal, State, or other aid, if any, which may be available for such projects, and to comply with all laws applicable to said project; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof, and to authorize the Selectmen to take any other action or pass any other vote relative thereto.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 767 No 1109\*

ARTICLE 3: The Town voted to raise and appropriate the sum of \$2,841,682 which represents the operating budget. Said sum does not include special or individual articles. Should Article 3 be defeated, the operating budget shall be \$2,704,227 (the "default" budget).

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1083\* No 761

ARTICLE 4: The Town voted to authorize the Tax Collector to allow a 1 1/2% deduction from Town Property Tax when payment is made within 30 days of billing.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1759\* No 121

ARTICLES 5, 6 and 7 were on a separate ballot. (Zoning results listed at end.)

ARTICLE 8: The Town voted to change electing the Chief of Police (RSA 41:47) to appointing the Chief of Police (RSA 105:1). Both the Kingston Police Chief and the Board of Selectmen recommend this Article.

Yes 1225\* No 622

ARTICLE 9: The Town voted to create a full-time Police position and raise and appropriate the sum of \$32,406.40 which includes salary and benefits. All costs to be completely reimbursed for a three year period from the U.S. Department of Justice in the amount of \$115,050.00.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1309\* No 568

ARTICLE 10: The Town voted to raise and appropriate the sum of \$130,000 to be placed into the existing Capital Reserve Fund for the revaluation of the Town and to name the Board of Selectmen as agents to expend. NOTE: (The State of New Hampshire Constitution requires all towns to be revaluated every five years. The last Town revaluation was done in 1988; 14 years ago. If the Town refuses, the State has the right to order the revaluation and to withhold any and all State Aid until it is paid for. This course of action usually costs the taxpayer substantially more money.)

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1293\* No 574

ARTICLE 11: The Town voted to raise and appropriate \$75,000 to be placed in the expendable trust fund to repair, maintain and improve town buildings.  
Note: (This money will be used to bring the Town Hall into compliance with existing fire codes.)

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1338\* No 543

ARTICLE 12: The Town did not vote to raise and appropriate the sum of \$37,000 to purchase a vehicle exhaust removal system for the Central Fire Station. This exhaust removal system will remove the carcinogenic gases and particulates generated by the diesel engines providing a safer and healthier work place for members and other organizations that utilize the Kingston Fire Department.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 927 No 946\*

ARTICLE 13: The Town voted to raise and appropriate the sum of \$50,000 to be placed in a previously established Capital Reserve Fund for the future replacement of equipment for the Highway Department and to name the Board of Selectmen and Road Agent as agents to expend.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1006\* No 855

ARTICLE 14: The Town voted to raise and appropriate the sum of \$100,000 to be added to the Outside Detail Expendable Trust Fund. The source of this revenue shall be clients of the Town and this article shall not impact the tax rate. Outside details are a source of revenue for the Town.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1308\* No 526

ARTICLE 15: The Town voted to raise and appropriate the sum of \$55,000 to be placed in the previously established Fire Department Capital Reserve Fund for apparatus replacement.

RECOMMENDED BY THE BOARD OF SELECTMEEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1078\* No 671

ARTICLE 16: The Town did not vote to raise and appropriate the sum of \$37,500.00, plus benefits, and authorize the hiring of a full-time salaried Deputy Chief for the Town of Kingston. The salary will be adjusted with increased responsibilities and longevity. (The intent of this article is to fill the position with the current firefighter/EMT hired in 1999 who has been working as Kingston's Deputy Chief/Fire Inspector since 1993. The lowest ranking full time officer in the area is hired at a rate of \$35,000 to \$45,000, plus overtime.)

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 854 No 885\*

ARTICLE 17: The Town voted to raise and appropriate the sum of \$19,500 for salary and benefits, and authorize the hiring of a full-time Emergency Medical Technician / Fire Fighter for the Town of Kingston. This position would pay \$13.50 - \$15.00 per hour as deemed appropriate to the level of training and experience, plus benefits. Said position to perform those duties deemed appropriate by the Fire Chief and Officers of the Kingston Fire Department. The first year to be funded for only six months.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1109\* No 638

ARTICLE 18: The Town 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 ballfields, tennis courts and basketball courts at the area known as the Kingston Fairgrounds.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 892\* No 849

ARTICLE 19: The Town did not vote to authorize the creation of a part-time Recreation Coordinator, working 10 to 20 hours per week, 52 weeks/yr.. Stipend/wages shall not exceed \$450 per month, or, \$5,400 annually. This person will seek out and secure available grant monies, conduct an updated survey of our Town's recreational needs and steer the Recreation Commission to provide wholesome recreational activities serving the entire Kingston Community. This person shall report to the Board of Selectmen via the Recreation Commission. A complete job description is attached and on file at Town Hall. Further, since this position would begin 7/1/02, to raise and appropriate a six month stipend for calendar year 2002 at \$2,700.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 792 No 945\*

ARTICLE 20: The Town voted to raise and appropriate the sum of \$5,970.00 for the purpose of funding Family Mediation & Juvenile Services of Southern Rockingham County. The agency is a non-profit organization and will provide the following services: Parent-Child Mediation, Peer Mediation, Community Service, Restitution, Youth and Parent participation in Anger-Management Courses, Youth and Parent participation in Substance Abuse Awareness Courses, Stop Shoplifting Courses, Tobacco Education and individually tailored juvenile diversion contracts.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1027\* No 718

ARTICLE 21: The Town voted to raise and appropriate the sum of \$140,000 towards the purchase of a conservation easement on approximately 37.25 acres of land located at the corner of Elkins and Rockrimmon Roads and being most of Kingston tax map R31 Lot 11, and to authorize the withdrawal of \$140,000 from the Land Acquisition Capital Reserve Fund created for that purpose. This purchase will help to stabilize the tax base, maintain a large tract of land as such, and ensure that an area prime for development of additional multi-house subdivisions does not have a significant impact on taxes for town services such as education, fire and police. All of this money is coming from a capital reserve fund and will have no impact on the tax rate.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1255\* No 499

ARTICLE 22: The Town voted to raise and appropriate the sum of \$50,000 towards the purchase of approximately 115 acres of land located on the southerly side of New Boston Road and abutting 43 acres of town-owned land. This purchase will help to stabilize the tax base, maintain a large tract of land as such, and ensure that an area prime for development of additional multi-house subdivisions does not have a significant impact on taxes for town services such as education, fire and police. This purchase will be in partnership with The Nature Conservancy, a non-profit conservation organization, which will hold a conservation easement on the acres purchased. This article is subject to The Nature Conservancy raising an additional \$150,000 toward the purchase price. The property consists of Kingston tax map R15, Lot 21 and R18, Lots 4, 5, 6, 7 16, 17, 18, 31 and 32.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1236\* No 518

ARTICLE 23: The Town voted to raise the sum of \$1500 to support the health services offered by SeaCare Health Services (formerly SeaCoast HealthNet) to the uninsured, working families who are residents of the Town.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY THE BUDGET COMMITTEE

Yes 1253\* No 495

School results were certified and given to the School District Clerk, Carol J. Brickett. (The detailed results will be printed in the annual School District Report.) Total school votes were as follows:

**SCHOOL BOARD MEMBER FROM KINGSTON FOR THREE YEARS**

KURT W. BAITZ 1484\*

**SCHOOL BOARD MEMBER AT LARGE FOR THREE YEARS**

MARK W. FURLONG 956\*  
BRIAN WOODWORTH 669

**BUDGET COMMITTEE FROM KINGSTON FOR THREE YEARS**

ANTHONY WHITCOMB 1354\*

**SCHOOL DISTRICT MODERATOR FOR ONE YEAR**

RICHARD "RICK" RUSSMAN 1482\*

	YES	NO
ARTICLE 2	1606*	164
3	860	962*
4	1127*	742
5	1016*	846
6 (Required 2/3 of votes)	1054	804*
7	992*	865
8	1217*	625
9	1171*	652
10	1172*	678
11	926	933*
12	870	969*
13	646	1185*
14	977*	868
15	777	1075*

Meeting adjourned at 9:15 PM

Respectfully submitted,

*Bettie C. Ouellette*  
Bettie C. Ouellette  
Kingston Town Clerk

ARTICLE 5:

## Outdoor Lighting Ordinance Town of Kingston, NH

**STATEMENT OF NEED AND PURPOSE:** The benefits of good outdoor lighting are increased safety, energy efficiency, enhancement of the Town's evening character and improved security. New technologies have created extremely powerful lights, which can inadvertently lead to excessive glare, light trespass, and higher energy use. Concerns resulting from excessive glare and light trespass include safety issues, loss of privacy, and increased energy costs for everyone. The goal of this lighting ordinance is to recognize the benefits of outdoor lighting and provide clear guidelines for its installation. Appropriately regulated and properly installed, outdoor lighting will maintain and complement the Town's character and contribute to the safety and welfare of the residents of the town. The intent of this ordinance is to reduce the problems created by improperly designed and installed outdoor lighting by establishing regulations which limit the area that certain outdoor lighting luminaires can illuminate and by limiting the total allowable illumination of lots located in the Town of Kingston.

ARTICLE 1

1.1. **DEFINITIONS:** For the purposes of this Ordinance, terms used shall be defined as follows:

**Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/ or a refractor or lens.

**Flood or Spotlight:** Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Glare:** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

**Height of Luminaire:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.

**Lamp:** The component of a luminaire that produces the actual light.

**Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Lumen:** (A unit of luminous flux.) One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

**Luminaire:** This is a complete lighting system, and includes a lamp or lamps and a fixture.

**Outdoor Lighting:** The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Temporary outdoor lighting:** The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 30 days, with at least 180 days passing before being used again.

## ARTICLE 2

2.1. REGULATIONS: All public and private outdoor lighting installed in the Town of Kingston shall be in conformance with the requirements established by this Ordinance.

### 2.2. CONTROL OF GLARE — LUMINAIRE DESIGN FACTORS:

- A. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit more than 3% direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- B. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed 25 feet.

### 2.3. EXCEPTIONS:

- A. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
- B. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
- C. All temporary lighting required for construction projects, related to road construction and repair, installation of sewer and water facilities, and other public infrastructure.
- D. All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- E. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used

- must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
- F. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

#### 2.4. TEMPORARY OUTDOOR LIGHTING

Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Board of Selectmen after considering: (1) the public and/ or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Selectmen shall be given to the applicant. The Board of Selectmen shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Board of Selectmen to act on a request within the time allowed shall constitute a denial of the request.

### ARTICLE 3

#### 3.1. EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINAIRES:

- A. This ordinance shall take effect immediately upon approval by the voters of the Town of Kingston at an annual or special Town Meeting. Where any provision of this ordinance conflicts with previous ordinances pertaining to outdoor lighting, the more restrictive shall apply.
- B. All luminaires lawfully in place prior to the date of the Ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Ordinance.

### ARTICLE 4

#### 4.1. NOTIFICATION REQUIREMENTS:

- A. The Town of Kingston building permit shall include a statement asking whether the planned project will include any outdoor lighting.
- B. Within 30 days of the enactment of this ordinance, the Board of Selectmen shall publish a copy of the Outdoor Lighting Ordinance, with cover letter to all local electric utilities.

## ARTICLE 5

### 5.1. VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:

**A. Violations and Legal Actions:** If, after investigation, the Board of Selectmen finds that any provision of the Ordinance is being violated, they shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/ or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice.

If the violation is not abated within the thirty-day period, the Board of Selectmen may institute actions and proceedings, either legal or equitable, including those pursuant to RSA 502-A: 11-a (b), to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

**B. Penalties:** A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of fifty dollars (\$ 50), and each day of violation after the expiration of the thirty-day period provided in paragraph 1 shall constitute a separate offense for the purpose of calculating the civil penalty.

ARTICLE 6:

**INNOVATIVE ZONING** (Adopted 03/11/86; Amended 03/14/89 and 03/09/93)

**A. PROCEDURES**

For the purposes of the Ordinance, Innovative Zoning development is defined as a form of land subdivision. All proposals submitted under this section shall follow the standard subdivision procedures for application and review established by the Kingston Planning Board. In cases where multi-family units (defined as structures containing more than two dwelling units) are proposed, the development shall also be subject to site plan review by the Planning Board.

**B. GENERAL REGULATIONS** (Amended 03/09/93)

1. Permitted Uses: Cluster Developments shall be permitted for residential zones.
  - a. Detached single-family units in all residential zones.
  - b. Townhouse multi-family units of up to six (6) individual units per structure *only in Rural Residential zone. Townhouse units are defined as units separated by party walls in which no portion of a dwelling unit extends over a portion of another.*
  - c. Dwelling units shall be permanent structures on foundations.
  - d. Buildings accessory to a permitted use.
  - e. Outdoor recreation, which is incidental to residential use, provided that such use does not result in noise, odors, unsightly or dangerous activities which are injurious or detrimental to the neighborhood.
  
2. Building Density:
  - a. The total number of dwelling units allowed within a cluster development shall be no greater than that permitted for a conventional subdivision or multi-family use on the same parcel under the Kingston Zoning Ordinance and Subdivision Regulations. The overall building density for a cluster development shall be determined by subtracting all land that would be excluded from development by the Kingston Wetlands Ordinance, then subtracting ten percent of the remaining land for roads and utilities, the remainder of this would be divided by 80,000 square feet (three acres in the Aquifer zone) to determine the number of dwelling units. The allowed number of units may be grouped or dispersed over the project area in any fashion within the limits imposed by applicable lot dimension restrictions and septic system siting requirements. *The number of bedrooms per unit shall not exceed four bedrooms per unit.*

- b. No cluster development authorized by this Ordinance shall contain less than twenty (20) acres of contiguous land.
3. Dimensional and Lot Requirements: Standard dimensional and lot size requirements shall be waived for Innovative Zoning and replaced with the following:
- a. External Setback:
    - Front: No structure or parking area in a cluster development shall be located within 200 feet from a public right of way in existence prior to the cluster development proposal.
    - Side and Rear: No building or parking area shall be within 100 feet of an abutting property line to the subdivision.
    - Natural Screening: The natural vegetation within the external setback areas shall be left undisturbed except for the purposes of providing access to public streets and ensuring proper sight distances as determined by the Kingston Road Agent.
  - b. Internal Setback: No structure shall be closer than thirty (30) feet from the right of way of a proposed street or parking area. No structure shall be located within thirty (30) feet from an adjacent structure or within fifteen (15) feet of an internal lot line.
  - c. All units shall be serviced by an existing public street.
4. Water and Septic Systems: A cluster development or portions thereof may be served by common water and septic systems. No proposal involving community disposal systems shall be approved by the Planning Board until legal responsibility for ownership and maintenance is established and found to be satisfactory by the Board. The design, siting and construction of both common and on-lot septic systems shall be subject to all applicable local and state regulations including the incorporation into the project design of back-up leach field areas.

5. Open Space:

a. *All wetlands in the project plus a minimum of 1/3 or 33% of the total project, upland area shall be set aside for open space. This common open space shall be permanently restricted for recreation, open space or conservation uses. It shall not be resubdivided but may contain accessory or utility structures and improvements necessary for the development or for educational or recreational use. The open space or common land, or any portion of it shall be held, managed and maintained by the developer until it is owned, in one or more of the following ways:*

- (1) By a Homeowners, or Condominium Association, set up by the developer and made a part of the deed or agreement for each lot or dwelling unit;
- (2) By a Conservation Trust or private nonprofit organization, such as the Society for the Protection of New Hampshire Forest or Audubon Society, which will ensure that the common land will be held in perpetuity as open space.
- (3) A public body which shall maintain the land as open space for the benefit of the general public - for example, the Town.

All agreements, deed restrictions, organizational provisions for a Homeowners' Association and any other method of management of the common land shall be established prior to Planning Board approval.

b. Common open space areas shall have adequate access to allow for recreational use of those areas.

6. Maintenance of Open Space and Other Common Features: In cases where the proposed cluster development results in areas or project features of common ownership, there shall be established procedures and responsibilities for the perpetual maintenance of open space and utilities by the inclusion of covenants running with the land in the deeds or other instruments of conveyance delineating such areas in accordance with RSA 479A; and

- a. Obligating purchasers to participate in a homeowners' association and to support maintenance of the open areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
- b. Obligating such an association to maintain the open areas and utilities;
- c. Empowering the Town, as well as other purchasers in the development, to enforce the covenants in the event of failure of compliance; and
- d. Providing for agreements that, if the Town is required to perform any maintenance work pursuant to item c. above, said purchasers would pay the cost thereof and that the same shall be a lien upon their properties until said cost has been paid; provided that the developer - or if the developer is not the owner of the development, then such owner - shall be a member until all of the lots of record are sold. Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Planning Board.

7. Single Bedroom Requirement: (Amended 03/09/93)

Each subdivision of twenty acres or more developed in the Rural Residential Zone, according to this ordinance, shall contain at least four single bedroom living units. *Occupancy of single bedroom units is restricted to a maximum of two people.* Building permits shall not be issued for more than 50% of the units in any development constructed under this ordinance unless and until the units required by this paragraph have been constructed and occupancy permits issued by the Town.

ARTICLE 7:

The following amendments are proposed for the Kingston Floodplain Development Ordinance

1. Delete the definition "Area of Shallow Flooding" in Item I, Definition of Terms
2. In the definition "Area of Special flood hazard" found in Item I Definition of Terms, change the final line to read as follows;  
  
The area is designated as zones A and AE on the FIRM.
3. Delete the definition "Breakaway wall" in Item I, Definition of Terms.
4. In the definition "Development" found in Item I Definition of Terms, change the word "excavation" found in the last line to "excavating".
5. In the definition of Flood or Flooding found in Item I, Definition of Terms, add the word "or" between subsection 1 and 2.
6. Delete the definition "Flood Hazard Boundary Map" in Item I, Definition of Terms.
7. In the definition of "Special Flood Hazard Area found in Item I, Definition of Terms the definition should read as follows:  
  
"Special flood hazard area" means an area havinfg flood, mudslide, and / or flood related erosion hazards, and shown on the FIRM as zones A and AE. (See - Area of Special Flood Hazard")
8. Add "Permits:" as the title of Item II.
9. Add "Construction Requirements:" as the title of Item III.
10. Add "Water and Sewer Systems:" as the title of Item IV.
11. Add "Certification:" as the title of Item V.
12. Also in Item V, remove all references to zones other than A and AE.
13. Add "Other Permits:" as the title of Item VI.
14. Add "Watercourses:" as the title of Item VII.
15. Also in Item VII,

Paragraph 1, change the RSA reference to RSA 483-A:3.  
Paragraph 3, add "in" after located and change Zone to Zones A and E.

Paragraph 4, replace the reference to zones A1-30 with A.

16. Add "Special Flood Hazard Areas:" as the title of Item VIII.
17. Also in Item VIII, remove the reference in section 1., a., to the FHB.M.
18. Also in Item VIII, remove the entire subsection c., from section 1.
19. Also in Item VIII, Section 2, c., change the zones referenced from A1-30,AH, and AE to A and AE.
20. Also in Item VIII, remove the entire subsection f., from section 2.