

MINUTES OF THE TOWN MEETING

MARCH 10, 2015

The Annual Town Meeting was called to order at 8:00 AM at the Swasey Gymnasium at 178 Main Street, Kingston, by Moderator, Electra Alessio for the secret ballot election of Town Officers, 17 regular Town Articles, and 13 Zoning Articles, as well as the voting for the election of Officers for Sanborn Regional School District, with 6 regular Articles for the School District.

Electra Alessio, Moderator swore in Election Officials Melissa Fowler, Mark Heitz, Peter Broderick, George Korn, Donna Grier, John Whittier, Joanne Lambert, Peter J Sullivan, Larry Smith, Carol Briggs, Holly Ouellette, Gail Ramsey and Bart Noyes.

Total count of cast ballot including absentee ballot was 1033; total registered voters on checklist are 4023, which indicates 25% participation.

The following results were obtained:

Selectman for Three Years	
Peter Broderick	762*
Town Clerk - Tax Collector	
Melissa J. Fowler	894*
Road Agent	
Richard St.Hilaire	885*
Trustees for the Trust Fund for Three Years	
Suzanne Partridge	701*
R. Bradley Maxwell	728*
Library Trustees for Three Years	
Elaine Vandyke	530
Jane Christie	536*
Ellen L. Faulconer	648*
Richard St.Hilaire	569*
Municipal Budget Committee for Three Years	
Judith A. Oljey	500*
Gary T. Finerty	611*
John R. Marzilli	610*
Dennis J Murphy	627*
Ami Faria	10

Municipal Budget Committee for One Year

Stanley Shalett..... 702*

Planning Board for Three Years

Carol E. Croteau 697*

Peter D. Coffin 687*

Zoning Board of Adjustment for Three Years

John R. Marzilli 418

Peter D. Coffin 506*

Raymond Donald 419*

Article 2: Are you in favor of the adoption of amendment number 2 of the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board as follows?

Amend Article 109, Commercial Zone C-II to add the following:

109.5 Permitted Uses:

J. Continuing Care Retirement Community (CCRC)

RECOMMENDED BY THE PLANNING BOARD

YES 727* NO 206

Article 3: Are you in favor of the adoption of amendment number 3 of the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board as follows?

Amend Article 108, Commercial Zone C-I to add the following and re-number accordingly:

108.5 Permitted Uses:

L. Continuing Care Retirement Community (CCRC)

RECOMMENDED BY THE PLANNING BOARD

YES 717* NO 207

Article 4: Are you in favor of amendment number 4 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Amend Article 104, Rural Residential District per the following:

104.4 Permitted Uses:

J. add "(two-family homes, accessory apartments)" after "Single family and/or two dwellings"

And Amend Article 206, Accessory Family Apartments Ordinance per the following:

206.2 Purpose and Objectives

Amend section D to read:

“Clarify that the use as described in this Article is allowed in the Rural Residential Zone and upon meeting the conditions for receiving a Special Exception per this Article, is allowed in the Single Family Residential, Single Family Residential-Agricultural, Historic I and Historic II zoning districts.”

206.4 Special Exception

3. Amend the last sentence of the paragraph to read as follows:

“There shall be one egress (door) located along/through an adjoining wall” to the primary living area and one egress shall be located on the side or the rear of the building.

9. a. add the phrase “prior to the granting of a special exception” to the end of the last sentence.

9. d. add the phrase “prior to the granting of a special exception” to the end of the last sentence.

10. Amend the last sentence to read “The applicant shall pay any and all costs, “as determined by the ZBA and/or Board of Selectmen”, associated with registering this document.

RECOMMENDED BY THE PLANNING BOARD

YES 623* NO 280

Article 5: To see if the Town will vote to re-designate the property located at Tax Map R13 Lot 6 (3 Meeks Road) by removing from the Commercial III zone and adding to the abutting Rural Residential zone.

RECOMMENDED BY THE PLANNING BOARD

YES 675* NO 232

Article 6: To see if the Town will vote to re-designate the property located at Tax Map R22 Lot 8 (6 Page Road) by removing from the Single Family Residential zone and adding to the abutting Rural Residential zone.

RECOMMENDED BY THE PLANNING BOARD

YES 660* NO 237

Article 7: Are you in favor of the adoption of amendment number 7 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Amend Article 1201_Historic District Commission-Administration of Districts per the following:

1201.10 Design Considerations

B. New Buildings and Structures

2. add "and in no instance will be greater than 35 feet" after the existing language: "shall not be more than 10% higher than the average height of adjacent structures or those that share the streetscape".

C. Scale

. add "and in no instance will be greater than 35 feet" at the end of the existing paragraph.

RECOMMENDED BY THE PLANNING BOARD

YES 592* NO 290

Article 8: Are you in favor of the adoption of amendment number 8 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Add the following to Article 103, Single Family Residential District:

103.4 Building Height: No structure in this District shall be greater than 30 feet in height.

103.5 Must comply with all other Town of Kingston Ordinances and Regulations.

RECOMMENDED BY THE PLANNING BOARD

YES 576* NO 304

Article 9: Are you in favor of the adoption of amendment number 9 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Add the following to Article 105, Single Family Residential-Agricultural District

105.3 Building Height: No structure in this District shall be greater than 35 feet in height.

105.4 Must comply with all other Town of Kingston Ordinances and Regulations.

RECOMMENDED BY THE PLANNING BOARD

YES 581* NO 298

Article 10: Are you in favor of the adoption of amendment number 10 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Add the following to Article Preamble II: Definitions:

Alternative Treatment Center: a not-for profit entity registered under RSA 126-W:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients and alternative treatment centers.

RECOMMENDED BY THE PLANNING BOARD

YES 512* No 364

Article 11: Are you in favor of the adoption of amendment number 11 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Amend Article 110, Commercial Zone III by adding, under Section 110.3, Permitted Uses:

T. Alternative Treatment Center in compliance with NH Chapter 126-W.

RECOMMENDED BY THE PLANNING BOARD

YES 506* No 369

Article 12: Are you in favor of the adoption of amendment number 12 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Amend Article 107, Industrial Zone by adding, under Section 107.3, Permitted Uses:

M. Alternative Treatment Center in compliance with NH Chapter 126-W.

RECOMMENDED BY THE PLANNING BOARD

YES 504* No 366

Article 13: Are you in favor of the adoption of amendment number 13 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Amend Article 106, Housing for Elderly District by the following:

Rename to: District for Age-Restricted Housing and change all "elderly" references within the ordinance to "age-restricted".

Amend Section 106.3 to remove archaic reference to Article V of the Zoning and Building Code and replace with “all Ordinances and Regulations of the Town of Kingston (including, but not limited to, “Age Restricted Housing”) shall apply” Amend Section 106.3 (C) by replacing “Article V” with “Article 301” and adding the following sentence to the end of the paragraph: “Front building setback for a non-cluster age-restricted development shall be a minimum of 50 feet off the centerline of the roadway.”

Add the following Section 106.3 (D):

In the case of a cluster development, in order for the Planning Board to insure items such as, but not limited to, proper Stormwater Management Treatment, adequate space for Emergency Services and adequate room for vegetation to comply with privacy requirements:

1. the front building setback shall be a minimum of seventy-five (75) feet from the centerline of the roadway.
2. there shall be a minimum of a sixty (60) foot separation between buildings.

RECOMMENDED BY THE PLANNING BOARD

YES 661*

No 212

Article 14: Are you in favor of the adoption of amendment number 14 to the existing Town of Kingston Zoning Ordinance as proposed by the Kingston Planning Board?

Amend Article 208, Elderly Housing by the following:

Rename to “Age-Restricted” Housing and change all “elderly” references within the ordinance to “age-restricted”, “aging citizens”, “aging residents”, “appropriate age-restricted residents”, “community’s aging” as appropriate within the existing text.

Amend Section 208.4 (Affordable Elderly Housing) (B) 1:

- a. Maximum Density: three (3) Units per acre of gross tract area excluding wetlands as defined by this ordinance.
- e. Minimum Lot Frontage: at least one hundred (100) feet on a public road.
- f. Minimum Lot Setbacks: Setback requirements for exterior boundaries as described in

Article 301 must be met; however the dwelling units may be clustered within the gross tract area.

Amend Section 208.4 (C):

1. Change line regarding separation between buildings to read: “Buildings shall be separated by a minimum of sixty (60) feet.” Add the following to the end of the paragraph: “Parking facilities shall comply with Parking Regulations in “Site Plan Regulations”. Additional “overflow” parking facilities (not including driveways) will

be required at a rate of 1 space per every 2 units.”; eliminate the language of 208.4 (C) 2 and renumber appropriately.

9. Replace the existing language with the following: The Planning Board shall, for the purpose of the health, safety and welfare of the Town, require that all roads, whether public or private, be built and bonded in accordance with Town standards as described in Subdivision Regulations; eliminate the language of 208.4 (C)10 and renumber appropriately. (#9 would be renumbered to #8)

15. Eliminate the current paragraph.

Amend Section 208.5 (Market Rate Elderly Housing) (B) 1:

a. Density: two (2) units per acre excluding all wetlands as described in this ordinance.

e. Minimum Lot Frontage: one hundred (100) feet on a public road

f. Minimum Lot Setbacks: setback requirements for exterior boundaries as described in

Article 301 must be met; however, the dwelling units may be clustered within the gross tract area.

Amend Section 208.5 (C):

1. Amend the first sentence to read: “Units shall be specifically designed to provide housing for residents complying with the age restrictions as set forth in this ordinance.” Amend minimum separations (third sentence) to read: “Buildings shall be separated by a minimum space of sixty (60) feet. Add: “There shall be a minimum of a seventy-five (75) foot building setback from the centerline of the road.” Add the following to the end of the paragraph: “Parking facilities shall comply with Parking Requirements found in Site Plan review. In addition, overflow, off-street parking facilities will be required at a rate of one additional parking space per every two units. Eliminate the current section (208.5 (C) 2) and renumber appropriately.

2. Eliminate Sections 208.5 (C)9, 10, 11; add a new section to be numbered appropriately that reads: “The Planning Board shall, for the purpose of the health, safety and welfare of the Town, require that all roads, whether public or private, be built in accordance with Town standards as described in the Subdivision Regulations.”

RECOMMENDED BY THE PLANNING BOARD

YES 683*

No 216

Article 15: Shall the Town vote 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 \$4,940,100.00? Should this article be defeated, the default budget shall be \$4,843,665.00, which is the same as last year with certain adjustments required by previous action of the Town or by law, or the governing body may hold one special meeting in accordance with RSA 40:13, X and XVI to take up the issue of

a revised operating budget only. This operating budget warrant article does not include appropriations contained in any other warrant article.

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 588* No 404

Article 16: Shall the Town vote to authorize the Tax Collector to allow a 1½% deduction from Property Tax when payment is made prior to the due date?

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 967* No 50

Article 17: Shall the Town vote to raise and appropriate the sum of \$500,000.00 for the purpose of purchasing a new fire engine and authorize the withdrawal of \$347,000.00 from the Fire Apparatus Capital Reserve Fund created for said purpose, with the remaining \$153,000.00 to be raised by taxation? The truck to be replaced is our 1993 fire truck located at Station 2 on Hunt Road, which can no longer be relied on to transport firefighters safely to and from emergency incidents or to operate reliably and properly to support the mission of the Kingston Fire Department. The 22-year old engine is the primary emergency response vehicle used for all calls out of Station 2 and backs up the engine out of the Central Station on Main Street. Its replacement is in accordance with the fire apparatus replacement plan accepted by the Board of Selectman, Fire Chief and the Budget Committee.

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 713* No 300

Article 18: Shall the Town vote to raise and appropriate the sum of \$75,000.00 to be placed in the previously established Highway Department Equipment Capital Reserve Fund?

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 641* No 361

Article 19: Shall the Town vote to raise and appropriate the sum of \$50,000.00 to be placed in the previously established Town Buildings Maintenance and Repairs Capital Reserve Fund?

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 652* No 342

Article 20: On petition of the Kingston Road Agent and thirty-five registered voters of the Town of Kingston, shall the Town vote to raise and appropriate \$37,000.00 to fund a new permanent, full-time position at the Highway Department? Said monies represent six months of salary and benefits for the new position. The new hire will be an equipment operator/truck driver with mechanical and metal fabrication skills.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

YES 519* No 479

Article 21: On petition of seventy-eight registered voters of the Town of Kingston, shall the Town vote to raise and appropriate \$35,000.00 for the purchase of commercial grade playground equipment, fencing, and ground material, to be installed at the Community Recreation site on Main Street?

**RECOMMENDED BY THE BOARD OF SELECTMEN
NOT RECOMMENDED BY THE BUDGET COMMITTEE**

YES 364 No 583*

Article 22: On petition of forty-seven registered voters, shall the Town vote to raise and appropriate the sum of \$4,000.00 to support the services of the Kingston Community House, Inc., a non-profit 501C-3 corporation which has been serving the citizens of Kingston since 1977? Its office and Thrift Shop had been located in the Grace Daley House next to the town hall for three decades, but with its displacement it was necessary to move to Church Street Station, where it now must pay monthly rent and utilities. The Community House relies solely on donations for the Thrift Shop, and proceeds from the shop are used to support our senior citizens and local residents in need. It works closely with Kingston's Human Services Department and provides clothing and household items for its clients as well as local fire or disaster victims. All workers at both the Thrift Shop and the Monday senior lunch program are volunteers, and 100% of all profits are used to support the community. This amount, along with projected sales, will ensure that the Thrift Shop can remain open and that Kingston Community House, Inc. can continue to serve as "neighbor helping neighbor".

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

YES 712* No 242

Article 23: On petition of forty-nine registered voters, shall the Town vote to raise and appropriate the sum of \$5,000.00 for ongoing maintenance and repair costs to the building known as Kingston's historic "Church on the Plains"? Not a working church, but on the National Historic Register, it survives only through contributions and fundraisers to keep its doors open for private and town

functions throughout the year. Because of the recent costly restoration of the steeple, roof, stairs and other repairs, the Kingston Improvement and Historical Society (KIHS), a non-profit 501C-3 corporation, is asking the people of Kingston for their help to keep the "Pearl of the Plains" a shining reminder of Kingston's heritage.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN
NOT RECOMMENDED BY THE BUDGET COMMITTEE

YES 423 No 520*

Article 24: On petition of forty-nine registered voters, shall the Town vote to raise and appropriate the sum of \$4,850.00 to support the services of the Vic Geary Drop-in Center? The Vic Geary Center is a non-profit organization providing a safe comfortable gathering place for senior citizens of the town of Kingston, as well as surrounding communities, to share a meal, provide medical clinics, distribute resources and participate in recreational and social activities.

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 661* No 288

Article 25: On petition of twenty-five registered voters, shall the Town vote to raise and appropriate the sum of \$500.00 to support CASA (Court Appointed Special Advocates) of NH? CASA of NH's mission is to protect the right of abused and neglected children to live learn and grow in the embrace of a loving family. CASA is a non-governmental not-for-profit volunteer organization that has served the state for 25 years. It is the only volunteer organization serving New Hampshire's abused and neglected children by advocating for their best interests in court. CASA recruits, trains and supports volunteer advocates to fulfill its mission. In 2014 CASA served 142 children in Rockingham County. In particular, CASA served 44 children originating from Brentwood Family Court. Over the past 5 years, CASA volunteers served 10 abused or neglected children within the Town of Kingston.

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 781* No 168

Article 26: On petition of thirty-eight registered voters, shall the Town vote to raise and appropriate the sum of \$43,000.00, to be placed in the Land Acquisition Capital Reserve Fund for the future purchase of development rights, conservation easements and other land acquisition to conserve the Town's rural character, provide open space for outdoor recreation by the public, and help stabilize the tax base?

RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE

YES 554* No 388

Article 27: On petition of the Powwow Pond Council, Inc. and forty-eight registered voters (and as amended at the Deliberative Session of January 31, 2015), shall the Town vote to raise and appropriate the sum of \$26,883.00, to treat milfoil and other invasive aquatic plant species targeted for treatment by NH Department of Environmental Services at Powwow Pond? This amount will be offset by a grant from NH Department of Environmental Services equal to 35% of the anticipated treatment costs for Kingston in the amount of \$9,603.00, with the remaining amount of \$17,280.00 to be raised by taxation. This will be a non-lapsing appropriation and will continue until treatment is complete or until December 31, 2020.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

YES 622* No 368

Article 28: On petition of twenty-six registered voters (and as amended at the Deliberative Session of January 31, 2015), shall the Town vote to raise and appropriate the amount of \$20,000.00, to completely resurface and pave the parking area located at 12 Church Street (Kingston Children's Center)? This parking area is used by visitors to the non-profit Center, for public access to Greenwood Pond.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN
NOT RECOMMENDED BY THE BUDGET COMMITTEE**

YES 163 No 817*

Article 29: Shall the Town authorize the Board of Selectmen to adopt a regulation to restrict use of the Historic Bandstand located on the Plains, to the hours between dawn and dusk unless an exception is granted by the Board of Selectmen, and further, approve adoption of a permitting process whereby events held on the Bandstand are scheduled and regulated to minimize damage or defacement of the structure?

YES 634* No 341

Article 30: Shall the Town, pursuant to NH RSA 35:9-a-II, vote to authorize the Trustees of Trust Funds to pay for capital reserve fund investment management services, and any other expenses incurred, from capital reserve funds income? No vote by the town to rescind such authority shall occur within five years of the original adoption of this article.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

YES 547* No 390

Article 31: On petition of twenty-five registered voters, shall the Town vote to authorize the Board of Selectmen to enact the regulation: to ban the use of all personal fireworks within a two-mile radius where livestock or a kennel exists. Included in the ban: limit the use of fireworks to one day a year and a permit required (July 4th) between the hours of 7:00 pm and 9:00 pm? Prohibit all reloadable mortars.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN

YES 307 No 676*

Respectfully Submitted by



Melissa J Fowler, Town Clerk-Tax Collector