

MINUTES OF THE TOWN MEETING

MARCH 13, 2012

The Annual Town Meeting was called to order at 8:00 am at the Swasey Gymnasium at the former Sanborn Regional High School by the Moderator, Electra L. Alessio, for the voting by secret ballot for the election of Town Officers, 20 Regular Town Articles and 8 Zoning Articles, as well as the voting for the election of Officers for Sanborn Regional School District and voting of 3 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. Three Accu-Vote machines were used for this election.

The ballot clerks were Donna M. Grier, John Whittier, Peter J. Sullivan, Herbert G. Noyes, Clinton Lane, Sandra Foy, Carol A. Briggs, Ann C. Cyr, Holly Ouellette, and Ellen Faulconer. The Police Officer was Donald W. Briggs, Jr., Police Chief. The results were announced by the Moderator at 9:00 pm. The ballots were sealed and locked in the vault at 9:10 pm.

The total count was 1,634 (45%), including absentee ballots. Total voters on the checklist was 3,655.

The following results were obtained.

Moderator for Two Years

Electra L. Alessio 1,289*

Selectman for Three Years

Peter V. Broderick..... 1,191*

Town Clerk-Tax Collector for Three Years

Laura Irvine-Stevens 354

Melissa Fowler..... 786*

Bettie C. Ouellette..... 427

Road Agent for Three Years

Richard D. St. Hilaire 1,303*

Supervisor of the Checklist for Six Years

Jason Sullivan 1,197*

Trustee of the Trust Funds for Three Years

Trustee of the Trust Funds for Two Years

Police Officers for Three Years

Joel Johnson.....	1,213*
James M. Champion.....	1,235*

Library Trustees for Three Years

Elaine VanDyke	1,044*
Jane H. Christie.....	1,056*
Lesley-Ann Hume	1,052*

Library Trustee for Two Years

Kathy Houghton.....	1,122*
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Library Trustee for One Year

Judith L. Lukas.....	1,122*
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Fire Ward for Three Years

John A. Merrill.....	1,171*
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Planning Board for Three Years

Ernest J. Landry	1,125*
Peter Coffin (write-in)	101*
Jay Alberts (write-in).....	29*

Planning Board for One Year

Stanley Shalett.....	1,107*
Peter Coffin (write-in)	24*
Jay Alberts (write-in).....	24*

Municipal Budget Committee for Three Years

Stanley Shalett.....	912*
Gary T. Finerty.....	1,108*

Municipal Budget Committee for Two Years

Zoning Board of Adjustment for Three Years

John M. Whittier	1,101*
Raymond Donald	984*

ARTICLE 2: Are you in favor of the following amendment to Kingston’s Zoning Ordinance to continue the project clarifying the tax map zoning designation begun in 2011, as proposed by the Planning Board?

- Add the following lots to the end of the second paragraph of section 103.1 (Single Family Residential) in order to eliminate lots with two or more zoning designations: **Tax Map U7, Lot 46, R23 Lot 29**; and to **remove lot R30-57** (returns to zoning designation prior to March 8, 2011).
- Add the Following language to the end of the first paragraph of section 102.2 (Historic District I): **Tax Map U8 Lot 12.**

YES 827* NO 437

ARTICLE 3: Are you in favor of the following amendment to Kingston’s Zoning Ordinance to amend Article 206: Accessory Family Apartments, as proposed by the Planning Board?

206.2 C: Add “Rural Residential” to the zones after “Single-Family Residential-Agricultural.

D: Clarify that the use as described in the Article is allowed in the Single Family Residential, Single Family Residential-Agricultural, Rural Residential and Historic I and Historic II Zoning Districts.

206.3 B: Multi-Family Structure: A structure (new or existing) with two or more dwelling units.

206.4 A.1: Add “Accessory apartments in a multi-family structure are prohibited” after the words “building requirements”.

A.9.a.: Amend last statement to read “The Health Officer’s written decision (approval or denial) shall be submitted to the ZBA.

A.9.d.: Amend last statement to read “ The Building Inspector’s written decision (approval or denial) shall be submitted to the ZBA.”

206.4.A.10.a: Add “the ownership of” after “If” and before “a home”.

206.4.A.10.b: Any ZBA decision granting a Special Exception for an Accessory Apartment shall note Section 206.4.A.10.a of this Article, along with any other additional Conditions of Approval, in a format that shall be registered at the Rockingham County Registry of Deeds. The applicant shall pay any and all costs associated with registering this document as determined by the ZBA and Board of Selectmen.

YES 816* NO 515

ARTICLE 4: Are you in favor of the adoption of the following addition to Kingston’s Zoning Ordinances as proposed by the Planning Board?

ARTICLE 209:

GROUNDWATER MANAGEMENT ZONE

209.1 AUTHORITY AND PURPOSE

Pursuant to RSA 674:21, Innovative Land Use Controls, the Town of Kingston (the Town) hereby adopts a Groundwater Management Zone, in consultation with the United States Environmental Protection Agency (US EPA) and New Hampshire Department of Environmental Services (NH DES).

Objectives of the Groundwater Management Zone are:

- A. To prevent use of groundwater drawn from within a designated federal Superfund site, as defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) , 42 U.S.C. § 9601 *et seq.*, until the cleanup goals required under CERCLA decision documents for the Ottati & Goss Superfund Site are achieved.
- B. To protect the public health and general welfare of the citizens of Kingston.

209.2 ZONE BOUNDARIES

The Groundwater Management Zone is superimposed over the existing underlying zoning districts and is comprised of three specific lots, those being Tax Map R10, Lot 1; Tax Map R13, Lot 14; and that portion of Tax Map R13, Lot 16 which is located south of North Brook, so called. The specific Zone is shown on a Plan entitled, "Ottati & Goss Superfund Site, Kingston, New Hampshire – Proposed Boundary for O & G Groundwater Management Zone," (Attachment A).

When the actual boundary of the Groundwater Management Zone is in dispute by any owner or abutter affected by said boundary, the Town will engage, at the owner or abutter's expense, a professional geologist or hydro geologist to determine more accurately the precise boundary of the Zone. The Town shall consult with the US EPA and NH DES, before any modification of the Groundwater Management Zone is made.

209.3 PROHIBITED USES

Additional to the prohibited uses of the underlying zoning district in which the Groundwater Management Zone is located, all use of groundwater for any purpose whatsoever in this district is not allowed without prior approval from the Town, US EPA and the NH DES. No wells of any nature whatsoever shall be dug, installed, or otherwise created within the district without prior approval from the Town, US EPA and the NH DES. No groundwater shall be drawn by any means whatsoever or for any use whatsoever from within the Zone without prior approval from the Town, US EPA and the NH DES .

No disturbance of wetlands within the Groundwater Management Zone shall be permitted without prior approval from the Town, US EPA and the NH DES.

These restrictions do not apply to US EPA and NH DES activities authorized under CERCLA.

209.4 ADMINISTRATION

The provisions of the Groundwater Management District shall be administered:

- A. By the Planning Board for subdivision, site plan review and/or conditional use approval, and
- B. By the Zoning Board of Adjustment for applications for appeal, and
- C. By the Health Officer for applications to drill wells, and

D. By the Building Inspector for applications to construct, and
E. By the Conservation Commission for applications to disturb wetlands.
Any variances given to the provisions of the Groundwater Management District shall be forwarded to the US EPA and NH DES.

209.5 ENFORCEMENT

The Board of Selectmen shall be responsible for enforcement of the provisions of the Groundwater Management District.

209.6 EFFECTIVE DATE

This Article shall become effective upon passage.

The Groundwater Management District shall remain in effect until the cleanup goals required under CERCLA decision documents for the Ottati & Goss Superfund Site are achieved. The Town shall consult with the US EPA and NH DES before modifying or terminating the Groundwater Management District.

YES 874* NO 439

ARTICLE 5: Are you in favor of the following amendment to Kingston’s Zoning Ordinances regarding Agriculture and Livestock as proposed by the Planning Board?

Amend Article P-II, Definitions by adding the following definition:

Livestock: Cattle, horses, poultry, goats, sheep, pigs and similar animals.

Amend section 103.2 (Single Family Residential) by adding the following sentence:

“Agriculture and livestock, including, but not limited to, the keeping of cattle, horses, poultry, goats, sheep, pigs and similar animals are prohibited” after the words “In a Single Family Residential District, the use of land is limited to single family dwellings and incidental uses such as private garages, boat houses, tool sheds, gardens and the like.

Amend Articles 104 (Rural Residential), 105 (Single Family Residential-Agricultural), 107 (Industrial), 108 (Commercial I), 109 (Commercial Zone II), 110 (Commercial Zone III) by adding the following “Conditional Use”:

#: The following uses, if allowed in the underlying zoning district, are permitted only after a Conditional Use Permit is granted by the Kingston Board of Selectmen, or their designee, for residential use or the Kingston Planning Board for all other uses:

1. Agriculture and Livestock, done in accordance with the “Manual of Best Management Practices for Agriculture in New Hampshire” adopted by the Commissioner of Agriculture, Markets, and Food, Rockingham County Conservation District, and UNH Cooperative Extension and the “Guidelines & Best Management Practices for Horsekeeping”, compiled and produced by Lisa Derby Oden, Blue Ribbon Consulting, New Ipswich, NH and NH Horse Council, Inc.

http://www.nerc.org/documents/manure_management/best_management_nh.pdf
http://www.nerc.org/documents/manure_management/guidelines_horse_keeping.pdf

- a. Minimum lot size for agriculture and livestock use is 2 acres.
- b. Setbacks and Buffering:
 - i. Livestock Housing: Livestock housing shall be set back a minimum of 50 feet from all property lines, 100 feet from all neighboring residences, and 100 feet from all wells.
 - ii. Paddocks: Livestock paddocks shall be set back a minimum of 20 feet from all property lines and 100 feet from all wells. Between agriculture and livestock and residential uses, a 20-foot vegetated buffer shall be suitably planted and permanently maintained; plantings will be no less than 50% evergreen for year-round screening.
 - iii. Additional setbacks may be required for compliance with other applicable regulations and ordinances, including but not limited to, Wetlands, Shoreland and Aquifer Protection.
- c. All livestock housing and paddocks must be shown on the site plan.
- d. All other Health requirements apply.

YES 684 NO 720*

ARTICLE 6: Are you in favor of the following amendment to Article 303, Signs, of Kingston's Zoning Ordinance as proposed by the Planning Board?

Amend Section 303.3 A, 1, by changing "sign permits" in the second line of the paragraph to "signs"; and by changing "In the case where a sign permit is requested for a business not subject to" to "In all cases where a sign permit is requested for a business either subject to or not subject to" the Planning Board's site plan review authority, the permit will be applied through and granted by the Building Inspector within the Office of the Board of Selectmen.

Amend Section 303.3 A, 5, by adding the following:

Residential Real Estate Signs on residential properties are not considered signage for this ordinance. No permit is required for their erection and there are no restrictions regarding the length of time they may be displayed on a property. No such sign shall exceed three (3) feet by three (3) feet in size. Commercial real estate signs may follow the standards for residential standards; if a commercial property wants a commercial real estate sign larger than three (3) feet by three (3) feet a permit is required.

YES 857* NO 486

ARTICLE 7: Are you in favor of the following amendment to Article 110, Commercial Zone C-111 of Kingston's Zoning Ordinance as proposed by the Planning Board?

Add the following language to Section 110.3, K, after the words "Vehicular, trailer and recreational vehicle sales, rentals or leasing and service repair facility":

"provided that no lot used for this purpose may be located any closer than 1,000 feet in any direction to any other lot used for this purpose."

ARTICLE 8: Are you in favor of the following amendments to Kingston's Zoning Ordinance as proposed by the Planning Board?

Article 201: AQUIFER PROTECTION ORDINANCE

(Adopted 03/14/89; Amended 03/13/90;03/10/92; 03/8/94; 03/12/96; 03/08/05)

201.1 AUTHORITY AND PURPOSE

Pursuant to RSA 674:16-21, the Town of Kingston hereby adopts an Aquifer Protection District and accompanying regulations in order to protect, preserve and maintain potential groundwater supplies and related groundwater recharge areas within a known aquifer identified by the United States Geological Survey. The objectives of the aquifer protection district are:

- A. to protect the public health and general welfare of the citizens of Kingston;
- B. to prevent development and land use practices that would contaminate or reduce the recharge of the identified aquifer;
- C. to promote future growth and development of the Town, in accordance with the Master Plan, by ensuring the future availability of public and private water supplies;
- D. to encourage uses that can appropriately and safely be located in the aquifer recharge areas.

201.2 DEFINITIONS

- A. **Animal Feedlot:** A commercial agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock. An animal feedlot shall be considered one on which more than five (5) animals are raised simultaneously to protect the public health and general welfare of the citizens of Kingston;
- B. **Aquifer:** For the purpose of this Ordinance, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.
- C. **Dwelling Unit:** A building or that portion of a building consisting of one or more rooms designed for living and sleeping purposes, including kitchen and sanitary facilities and intended for occupancy by not more than one family or household.
- D. **Groundwater:** All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.
- E. **Groundwater Recharge:** The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.
- F. **Leachable Wastes:** Waste materials, including solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

- G. Mining of Land:** The removal of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock to be crushed or used as building stone.
- H. Non-Conforming Use:** Any lawful use of buildings, structures, premises, land or parts thereof existing as of the effective date of this Ordinance, or amendment thereto, and not in conformance with the provisions of this Ordinance, shall be considered to be a non-conforming use.
- I. Non-Municipal Well:** Any well not owned and operated by the Town of Kingston or its agent.
- J. Recharge Area:** The land surface area from which groundwater recharge occurs.
- K. Sludge:** Residual materials produced by the sewage treatment process.
- L. Solid Waste:** Any discarded or abandoned material including refuse, putrescible material, septage, or sludge, as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid, or certain gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations.
- M. Structure:** Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground. For the purposes of this Ordinance, buildings are structures.
- N. Toxic or Hazardous Materials:** Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners, and such other substances as defined in New Hampshire Water Supply and Pollution Control Rules, Section Ws 410.04 (l), in New Hampshire Solid Waste Rules He-P 1901.03 (v), and in the Code of Federal Regulations 40 CFR 261. Wastes generated by the following commercial activities are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Planning Board:
- Airplane, boat and motor vehicle service and repair;
 - Chemical and bacteriological laboratory operation;
 - Dry Cleaning;
 - Electronic circuit manufacturing;
 - Metal plating, finishing and polishing;
 - Motor and machinery service and assembly;
 - Painting, wood preserving and furniture stripping;
 - Pesticide and herbicide application;
 - Photographic processing;
 - Printing.

201.3 DISTRICT BOUNDARIES

A. Location:

The boundaries of the Aquifer Protection District are those areas designated as "Stratified Drift Aquifer" and Stratified Drift Aquifer Over Glacio-Estuarine Silts and Clays as found on the Map entitled Saturated Thickness and Transmissivity of stratified Drift in the Exeter, Lamprey, and Oyster River Basins, Southeastern New Hampshire, (Study entitled Geohydrology and Water Quality of Stratified-Drift Aquifers in the Exeter, Lamprey and Oyster River Basins, Southeastern New Hampshire, WRI 88-4128, published in 1990); and areas designated as Fine-Grained Stratified Drift, Coarse-Grained Stratified Drift or Coarse-Grained Stratified Drift Overlying Fine-Grained Stratified Drift, as found on the map entitled Saturated Thickness, Transmissivity, and Materials of Stratified-Drift Aquifers in the Lower Merrimack and Coastal River Basins, Southeastern New Hampshire, (Study entitled Geohydrology and Water Quality of Stratified-Drift Aquifers in the Lower Merrimack and Coastal River Basins, Southeastern New Hampshire, WRI 91-4025, published in 1992).

Zone A is that area of the aquifer delineated as a result of a detailed USGS study of the Kingston area aquifer within the Merrimack River Watershed (Stekl and Flanagan, 1992) that shows that the extent and quality of the aquifer is exceptional. A groundwater model developed by the USGS within this report estimates that seven wells pumping a total of four million gallons per day can be sustained by the aquifer (Figure 4). Zone A is the area of the center of Kingston analyzed by this modal and reflected on the accompanying map entitled, "Aquifer Protection District, Zones A and B", available in the Kingston Planning Board office. Zone B is the remaining aquifer area in Town as determined by the two USGS Studies indicated in paragraph one, above.

The Aquifer Protection District is a zoning overlay district which imposes additional requirements and restrictions to those of the underlying, base district zoning. In all cases, the more restrictive requirement(s) shall apply.

B. Recharge Areas:

For the purpose of this Ordinance, the primary recharge area for the identified aquifer is considered to be co-terminus with that aquifer.

No secondary recharge area has been identified at the time of enactment.

C. Appeals:

Where the bounds of the identified aquifer or recharge area, as delineated, are in doubt or in dispute, any landowner aggrieved by such delineation may appeal the boundary location to the Planning Board. Upon receipt of such appeal, the planning Board shall suspend further action development plans related to the area under appeal and shall engage, at the landowner's expense, a qualified hydrogeologist to prepare a report determining the proper location and extent of the aquifer and recharge area relative to the property in question. The aquifer delineation shall be modified by such determination subject to review and approval by the Planning Board.

201.4 USE REGULATIONS

A. Minimum Lot Size:

The minimum lot size within the Aquifer Protection District for each dwelling unit, if a residential use, shall be three acres or 130,680 square feet in Zone A or Zone B. For each principal building, if a non-residential use, in Zone A the minimum lot size shall be three acres, or 130,680 square feet and in Zone B shall be two acres or 87,120 square feet if located in a commercial or industrial district.

B. Hydrogeologic Study:

For development proposals within the Aquifer Protection District, a hydrogeologic study shall be required for the following:

1. subdivision of ten (10) lots or greater;
2. any septic system or series of septic systems designed for 2,400 gallons per day or greater contained in one lot.

For residential subdivision of ten (10) lots or less, the Planning Board shall determine, on a case-by-case basis, the need for a hydrogeologic study. For residential subdivisions of ten (10) lots or less the Planning Board shall determine, on a case-by-case basis, the need for a hydrogeologic study. Particularly sensitive sites may include areas that have septic systems in close proximity to wells, or may contain excessively drained soils or steep slopes. Hydrogeologic studies shall be performed by a qualified hydrogeologist registered in the State of New Hampshire. This study shall be sufficiently detailed to evaluate the development's impacts to groundwater within both the parcel to be developed and the surrounding land. All hydrogeologic studies shall include at least the following:

1. Multi-level monitoring wells (to evaluate soil stratigraphy);
2. Cumulative impact nitrogen loading analysis employing a saturation build-out model. The analysis shall include verification that the development will not cause the nitrate nitrogen (NO₃-N) concentration in groundwater beyond the site to exceed 5 mg/l; in zone B this standard is 10 mg/l;
3. Permeability testing;
4. Water quality sampling analysis;
5. Water table contours and groundwater flow direction.

C. Maximum Lot Coverage:

Within the Aquifer Protection District, no more than 15 percent (15%) of a single lot may be rendered impervious to groundwater infiltration in Zone A. In Zone B, no more than 25 percent (25%) of a single lot may be rendered impervious to groundwater infiltration. However, in both Zone A and Zone B, lot coverage may be increased up to thirty-five percent (35%) if the applicant can show storm-water management techniques that would allow for recharge on the property to be

developed. (Amended 03/08/2005; 03/13/2012)

D. Septic System Design Installation:

All Septic Systems shall conform to the Subsurface Disposal System Rules and Regulations of the Kingston Board of Health.

E. Prohibited Uses:

The following uses are prohibited in both Zone A and B of the Aquifer Protection Zone unless noted otherwise below and except where permitted to continue as a non-conforming use. Such uses shall include, but not be limited to:

1. Disposal of solid waste (as defined by NHRSA 149:M) other than brush or stumps generated on the property on which they are to be disposed.
2. Hazardous waste facilities as defined under RSA 147-A.
3. Disposal of liquid or leachable wastes except that from one or two-family residential subsurface disposal systems, or as otherwise permitted as a conditional use.
4. Subsurface storage of petroleum and other refined petroleum products except for gas stations where allowed.
5. Industrial uses which discharge contact type process waters on-site. Non-contact cooling water is permitted.
6. Outdoor storage of road salt or other de-icing chemicals.
7. Dumping of snow containing de-icing chemicals brought from outside the district.
8. Commercial animal feedlots.
9. Establishments with On-Site Dry cleaning are prohibited. In Zone B such facilities require a Special Exception from the Zoning Board of Adjustment that imposes additional protections for groundwater. (Amended 03/08/2005; 03/13/12)
10. Automotive service and repair shops. In Zone B such facilities require a special exception from the Zoning Board of Adjustment that imposes additional protections for groundwater.
11. Automotive junk and salvage yards.
12. Wastewater or septage lagoon.
13. Petroleum bulk plant or terminal
14. Gas stations. In Zone B such facilities require a special exception from the Zoning Board of Adjustment that imposes additional protections for groundwater.
15. Commercial laundry and Laundromat.
16. Car wash facilities.
17. Manufacturing using petroleum based products. In Zones A and B such

facilities require a special exception from the Zoning Board of Adjustment that imposes additional protections for groundwater.

18. Use or generation of hazardous materials greater than small quantity generators or greater than 25 gallons of regulated substances; except where permitted in association with 14 and 17 above.
19. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials.

F. Permitted Uses:

The following activities may be permitted provided they are conducted in accordance with the purposes and intent of this Ordinance:

1. Any use permitted by Articles IV - VII of the Town of Kingston Zoning Ordinance, except as prohibited in Section 4 of this article.
2. Activities designed for conservation of soil, water, plants and wildlife.
3. Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted.
4. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.
5. Foot, bicycle, and/or horse paths and bridges.
6. Maintenance, repair of any existing structure, provided there is no increase in impermeable surface above the limit established in Section 201.4 of this Article.
7. Farming, gardening, nursery, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides, manure and other leachables are used appropriately at levels that will not cause groundwater contamination and are stored under shelter.
8. Dry cleaning establishments for drop-off and pick-up only with no dry cleaning to take place on site. (Amended 03/08/2005)

G. Conditional Uses:

The following uses, if allowed in the underlying zoning district, are permitted only after a Conditional Use Permit is granted by the Kingston Planning Board:

1. Industrial and commercial uses not otherwise prohibited in Section 201.4 of this Article;
2. Multi-family residential development;
3. Sand and gravel excavation and other mining provided that such excavation or mining is not carried out within eight (8) vertical feet of the seasonal high water table and that periodic inspections are made by the Planning Board or its agent to determine compliance.

The Planning Board may grant a Conditional Use Permit for those uses listed

above only after written findings of fact are made that all of the following conditions are met:

- a) the proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
- b) the proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;
- c) the proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined;
- d) the proposed use complies with all other applicable sections of this Article.
- e) a hydrogeologic study shall be submitted for uses whose septic system is designed for more than 2,400 gpd In Zone A, a study shall be submitted for any septic system designed for more than 2,000 gpd

The Planning Board may require that the applicant provide data or reports prepared by a qualified hydrogeologist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria.

H. Special Exception Criteria:

- 1. the proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or be increasing the long-term susceptibility of the aquifer to potential pollutants;
- 2. the proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;
- 3. the proposed use complies with all other applicable sections of the Article.
- 4. a hydrogeologic study shall be submitted for uses whose septic system is designed for more than 2,400 gpd In Zone A, a study shall be submitted for any septic system designed for more than 2,000 gpd
- 5. The Zoning Board of Adjustment may require that the applicant provide data or reports prepared by a qualified hydrogeologist to assess any potential damage to the aquifer that may result from the proposed use. The Zoning Board of Adjustment shall engage such professional assistance as it requires

to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria.

201.5 SPECIAL EXCEPTION FOR LOTS OF RECORD

Upon application to the Board of Adjustment, a special exception shall be granted to permit the erection of a structure on a non-conforming lot within the Aquifer Protection District provided that all of the following conditions are met:

- A.** The lot upon which an exception is sought was an official lot of record, as recorded in the Rockingham County Register of Deeds, prior to the date on which this amendment was posted and published in the Town.
- B.** The use for which an exception is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Aquifer Protection District.
- C.** Due to the provisions of the Aquifer Protection District, no reasonable and economically viable use of the lot can be made without the exception.
- D.** The design and construction of the proposed use will, to the extent practical, be consistent with the purpose and intent of this Section.

201.6 DESIGN AND OPERATIONS GUIDELINES

Where applicable the following design and operation guidelines shall be observed within the Aquifer Protection District:

- A. Nitrate loading.** No development shall cause the nitrate-nitrogen (NO₃-N) concentration to exceed 5 mg/l in the groundwater beyond the site. In Zone B the nitrate-nitrogen (NO₃-N) concentration shall not exceed 10 mg/l in the groundwater beyond the site.
- B. Safeguards.** Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.
- C. Location.** Where the premises are partially outside of the Aquifer Protection Overlay Zone, potential pollution sources such as on-site waste disposal systems shall be located outside the Zone to the extent feasible.
- D. Drainage.** All runoff from impervious surfaces shall be recharged on the site, and diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where

other methods are not feasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

- E. Well Abandonment.** When well are abandoned in the Aquifer protection District such abandonment will take place following the standards outlined in NH WE-604.
- F. Agricultural Activities.** Agricultural activities undertaken within the Aquifer Protection District shall comply with *Best Management Practices for Agriculture In NH*, July 2008 and updates.
- G. Blasting.** Best management practices for blasting shall be followed in the Aquifer Protection district
- H. Inspection.** All conditional uses granted under Section 201.4 of this Article shall be subject to twice-annual inspections by the Building Inspector or other agent designated by the Selectmen. The purpose of these inspections is to ensure continued compliance with the conditions under which approvals were granted. A fee for inspection shall be charged to the owner according to a fee schedule determined by the Selectmen.

201.7 NON-CONFORMING USES

Any non-conforming use may continue and may be maintained, repaired and improved, unless such use is determined to be an imminent hazard to public health and safety. No non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of 12 months or more.

201.8 GENERAL REQUIREMENTS

- A. Installation of geothermal wells and geothermal systems requires town notification.
- B. Expansion or redevelopment of non-residential uses requires full compliance with the standards found in the Aquifer Protection District.
- C. Long term water quality monitoring may be required by the Planning Board or other Town agent as necessary.
- D. New groundwater withdrawal application materials shall be submitted to the Town.
- E. NH Department of Environmental Services registered water users shall submit their reports to the Town.

201.9 ADMINISTRATION

- A. General:**

The provisions of the Aquifer Protection District shall be administered by the Planning Board. All development proposals, other than single or two-family residential construction not involving the subdivision of land, shall be subject to subdivision and/or site plan review and approval in accordance with Planning Board rules and regulations. Such review and approval shall precede

the issuance of any building permit by the Town.

B. Enforcement:

The Board of Selectmen shall be responsible for the enforcement of the provisions and conditions of the Aquifer Protection District. This enforcement shall be undertaken in compliance with RSA 676 or RSA 485-C.

201.9 EFFECTIVE DATE

This Article shall become effective upon the date of passage.

Amend Article 108.16 (Commercial Zone C-I) to read:

108.16 CONFLICTS: Must comply with all other Town of Kingston ordinances and regulations unless explicitly stated otherwise.

Amend Article 109:16 (Commercial Zone C-II) to read:

109.16 CONFLICTS: Must comply with all other Town of Kingston ordinances and regulations unless explicitly stated otherwise.

YES 747* NO 617

ARTICLE 9: By petition, to see if the town will vote to amend Article 303, Sign Ordinance, 303.3 Sign Requirements, Section A. General Provisions, (5) Exceptions, by adding the following sentence at the end of the section: "The term "sign" does not include signs erected and maintained by the Town of Kingston and/or other municipal governing bodies including the public library."

YES 383 NO 945*

Article 10: 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 \$ 4,643,774.00? Should this article be defeated, the default budget shall be \$ 4,541,620.00, 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 & 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.

YES 763* NO 657

Article 11: Shall the Town authorize the Tax Collector to allow a 1½% deduction from Property Tax when payment is made within 30 days of billing?

YES 1,438* NO 69

Article 12: Shall the Town vote to adopt the provisions of N. H. RSA 41:14-a authorizing the Selectmen to negotiate, accept or convey, on terms favorable to the Town, properties not specifically excluded by the RSA?

YES 867* NO 494

Article 13: Shall the Town vote to change the organization of the Town of Kingston Fire Department in accordance with RSA 154:I(b) to provide that the Board of Selectmen shall appoint a Fire Chief for an indefinite period, and to further provide that firefighters shall be appointed by the Board of Selectmen upon the recommendation of the Fire Chief? This change, if approved, shall not take effect until one year following approval of this article. Any previous town votes authorizing the current organization are repealed upon the effective date of this article.

YES 763* NO 658

Article 14: Shall the Town vote to repeal the establishment of an elected constable position and of two elected police officer positions, pursuant to RSA 41:47, and hereafter appoint police officers pursuant to RSA 105:1?

YES 909* NO 496

Article 15: Shall the town authorize the Board of Selectmen to accept from Sanborn Seminary deeded title to a right of way leading from Church Street to Greenwood Pond, located between the Kingston Children's Center and Gideon Hall Society, as shown on a plan titled, "Lot Line Adjustment Plan in Kingston, NH as drawn for the Town of Kingston, NH" (Tax Map U10, Lot 14)? If this article passes, the transfer will occur only if Article 16 also passes.

YES 1,032* NO 391

Article 16: Shall the Town authorize the Board of Selectmen to convey portions of an existing right of way on Church Street, totaling 100% of the right of way, to Gideon Hall Society and the First Congregational Church, to become integral parts of their adjacent properties, as shown on a plan titled, "Lot Line Adjustment Plan in Kingston, NH as drawn for the Town of Kingston, NH"? If this article passes, the transfer will occur only if Article 15 also passes.

YES 989* NO 420

Article 17: Shall the Town vote to raise and appropriate from the existing unreserved fund balance the sum of \$4,268,383.00 to be placed in the previously approved revocable trust fund titled the "2011 Town of Kingston Infrastructure Fund" for the purpose of building, expanding, improving and maintaining town-owned infrastructure? It is the town's intent for \$4,000,000.00 to remain in the fund and for only the interest to be expended. It is the intent of the current Board of Selectmen to hold a public hearing prior to expenditure.

YES 955* NO 467

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

YES 849* NO 506

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

YES 825* NO 518

Article 20: Shall the Town vote to raise and appropriate the sum of \$75,000.00 to be placed in the previously established Fire Department Capital Reserve Fund for apparatus replacement?

YES 834* NO 507

Article 21: Shall the Town vote to raise and appropriate the amount of \$1.00 to purchase and install heating and cooling units at the Community Center (the former YWCA building) located at 24 Main Street in Kingston (Tax Map U5, Lot 62)? This building is to be used as a community activity facility.

YES 1,037* NO 315

Article 22: Shall the Town vote to raise and appropriate a sum not to exceed \$500,000.00 and authorize the Board of Selectmen, upon recommendation of the 2007 Land Purchase Sub-committee, to negotiate on behalf of the Town purchase of property located at 3 East Way (Tax Map R34, Lot 71B)?

YES 278 NO 1,032*

Article 23: Shall the Town vote to raise and appropriate the sum of \$3,500.00 to be used to provide short term and long term disability insurance for full time employees of the Town of Kingston, with the first year to be funded for only six months? The Town will pay 75% of the cost of the insurance for the employee and the remaining 25% will be paid by the employee. At present there is no disability insurance provided by the Town.

YES 833* NO 517

Article 24: Shall the Town vote to raise and appropriate the sum of \$110,000.00 for the purpose of purchasing a 1.1 acre lot located at 54 Church Street, Tax Map R33, Lot 20, and for the removal of the existing structures, trash and debris on the property, site recovery, professional service fees, and any items incidental to or necessary for the lot to become part of the library site? This property abuts the land upon which the new Kingston Library is situated and recently became available for purchase. The cost includes the purchase price of \$80,000.00 in addition to \$30,000.00 which includes such items as the cost of site cleanup as well as all professional fees related to transfer of the property.

YES 665 NO 704*

Article 25: Shall the Town vote to raise and appropriate the sum of \$2,500.00 to be placed in the Powwow Pond Preservation Fund? This and existing funds will be used to match a grant of up to \$4,850.00 from the N. H. Department of Environmental Services for control of exotic species which have infested the Powwow Pond. The Board of Selectmen are the agents to expend said funds.

YES 945* NO 411

Article 26: Shall the Town vote to raise and appropriate the sum of \$27,000.00 to be placed in the Land Acquisition Capital Reserve Fund for the future purchase of development rights, conservation easements and other land acquisition to stabilize the tax base, maintain large tracts of land as such, and to help ensure that the development of additional large multi-house subdivisions does not have significant impact on taxes for town services such as education, fire and police?

YES 765* NO 581

Article 27: Shall the Town vote to raise and appropriate the sum of \$2,500.00 to support a share of the services provided to residents to access counseling and family support services, without regard to income, from Child and Family Services?

YES 1,048* NO 427

Article 28: Shall the Town vote to accept the provisions of RSA 202-A:4(d), permitting the Library Trustees of the public Library to accept gifts of personal property, other than money, that may be offered to the Library for any public purpose. This authorization will remain in effect indefinitely, until specific rescission of such authority. No acceptance of property under the authority of this vote shall bind the town or the Library Trustees to raise, appropriate or expend public funds for the operation, maintenance, repair or replacement of such property.

YES 720 NO 742*

Article 29: Shall the Town vote to accept Ash Drive as a town road? This road is 1/5 of a mile in length and provides access to the 40 units of Rowell Estates, an over-55 development.

YES 546 NO 927*

Results were announced at 9:00 pm.

Respectfully submitted,

Bettie C. Ouellette
Kingston Town Clerk