

## MINUTES OF TOWN MEETING

MARCH 14, 2000

The Annual Town Meeting was called to order at 8:00 AM at the Swasey Gymnasium by the Moderator, Electra L. Alessio, for the voting by secret ballot for the election of Town Officers, Five Zoning articles and 22 regular Town articles, as well as the voting for the election of officers of Sanborn Regional School District and the voting on 15 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 no waiting lines.

The Ballot Clerks were Donna M. Grier, John M. Whittier, Herbert G. Noyes, Holly Ouellette, Gloria M. Parsons and George A. Schiller, Jr. The Police Officer was Donald W. Briggs, Jr. The final results were announced by the Moderator at 10:00 PM. Many ballots had to be manually counted due to MANY write-ins. The ballots were sealed and transported to the Town Hall where they were locked up in the vault at 10:15 PM.

The total count was 1563, including 90 absentee ballots. 38 new voters were registered at the polls, bringing the total voters on the checklist to 3476. Total of all ballots handled was 9378 (1563 X 6).

The following results were obtained:

### ARTICLE 1: ELECTION OF TOWN OFFICERS

#### MODERATOR FOR TWO YEARS

ELECTRA L. ALESSIO	1334*
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#### SELECTMAN FOR THREE YEARS

RICHARD G. WILSON	694
STAN YIOKARINIS	793*

#### TOWN CLERK-TAX COLLECTOR FOR THREE YEARS

BETTIE C. OUELLETTE	1425*
FEROLYN SMITH	16 WRITE-INS

#### SUPERVISOR OF CHECK LIST FOR SIX YEARS

EDDIE C. THURNQUIST	1276*
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#### ROAD AGENT FOR THREE YEARS

MICHAEL E. NIMBLETT	561
RICHARD D. ST. HILAIRE	907*

**CHIEF OF POLICE FOR THREE YEARS**

DONALD W. BRIGGS, JR.	1465*
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**POLICE OFFICERS FOR THREE YEARS**

JAMES M. CHAMPION	1306*
JOEL T. JOHNSON	1309*
SCOT PELTIER	10

**CONSTABLE FOR THREE YEARS**

PETER P. BASLER	1286*
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**TRUSTEE OF TRUST FUNDS FOR THREE YEARS  
(NO ONE ELECTED)**

**LIBRARY TRUSTEE FOR THREE YEARS**

PATRICIA BONDELEVITCH	1189*
CATHLEN H. DAENZ	1138*

**FIRE WARD FOR THREE YEARS**

ROBERT R. ESTY	1241*
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**MUNICIPAL BUDGET COMMITTEE FOR THREE YEARS**

NATASHA LEONARD	1162*
GLORIA M. PARSONS	1158*
MARK R. THOM	1121*
KAREN ROTA	24 WRITE-INS*
BILL ECKEL	15 WRITE-INS
BRIAN WOODWORTH	11 WRITE-INS

**PLANNING BOARD FOR THREE YEARS**

MARILYN B. BARTLETT	972*
STEVEN BRIGGS	928*
BENDETTO ROMANO	654

**PLANNING BOARD FOR ONE YEAR**

ALFRED J. ALBERTS	1179*
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ARTICLE 2: Shall the Town raise and appropriate the sum of \$2,394,868 which represents the operating budget? Said sum does not include special or individual articles. Should Article 2 be defeated, the operating budget shall be \$2,287,929 (the "default" budget).

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 1035\* No 169

ARTICLE 3: Shall the Town 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 BUDGET COMMITTEE

Yes 1459\* No 68

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

Amend Article IV District Regulations Section 4.51 to clarify the boundaries of the district by adding the following as the new text for the section:

Commencing from the corner of Route 125 and Route 111 on both sides of the road for an appropriate distance along Route 111 to the Exeter town line, and then along South Road on the Kingston side of the road to Shore Road, turning onto Shore Road on both sides, including that area known as "Riverwood" to Little River Road, turning West on Little River Road to Route 111. This would include all land bounded by Route 111, South Road, Shore Road and Little River Road, said area to include 1,500 feet from the centerline on both sides of the road.

Yes 857\* No 525

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

Amend Article IV District Regulations Section 4.41 Rural Residential District by adding text to clarify that both Historic Districts are excluded from the rural residential district by adding the following as new text:

The Rural Residential District shall include the whole town with the exception of the Historic Districts, the Single Family Residential District, the Single Family Residential-Agricultural District and the Kingston Industrial Zone.

Yes 852\* No 535

Amend Article IV District Regulations Section 4.41 Rural Residential District by adding text to clarify that both Historic Districts are excluded from the rural residential district by adding the following as new text:

The Rural Residential District shall include the whole town with the exception of the Historic Districts, the Single Family Residential District, the Single Family Residential-Agricultural District and the Kingston Industrial Zone.

Yes 852\* No 535

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

Amend Article III Establishment of Districts by replacing the parenthetical statement found at section 3.10.3 with the following language:

"The exact boundaries of the various districts are delineated by the text description in Article IV of this Ordinance and shown on the Town of Kingston Zoning Map."

Yes 876\* No 452

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

Amend Article VII Supplemental Provisions by adding a section outlining the requirements for the construction of Accessory Family Apartments to become a new section 7.80.

#### **ACCESSORY FAMILY APARTMENTS ORDINANCE**

##### **I. Authority**

This section is enacted in accordance with the provisions of RSA 674:21.

##### **II. Purpose and Objectives**

The purpose of the accessory family apartment provision is to provide increased flexibility with respect to housing alternatives for families in Kingston while maintaining health, safety, aesthetics and quality of the Town's neighborhoods.

The objectives of this Section are to:

- (a) Provide for the construction of accessory apartments in existing single-family dwelling units to be occupied by family members, thereby lessening fluctuations in the demand for Town services, e.g., education and elderly care;
- (b) Add more units to the housing stock to meet the needs of smaller households, both young and old;

- (c) Protect stability and property values, in Single-family residential, Single-family residential-agricultural and Historic District I and II zoning districts by ensuring that accessory apartments are installed only in owner-occupied houses and under such additional conditions as to protect the health, safety, and welfare of the public.

### **III. Definitions**

Accessory Apartment: One apartment, provided it is located within a single-family dwelling and is clearly a subordinate part thereof, and has safe and proper means of entrance and exit, and meets the requirements set forth here.

### **IV. Special Exception**

- A. A special exception allowing the installation of one (1) accessory apartment within a detached single-family dwelling shall be issued by the Zoning Board of Adjustment provided that the following conditions are met:
  - (a) The proposed use must conform to the dimensional requirements of a single-family lot and meet all existing building requirements.
  - (b) The single-family dwelling shall not be located within an innovative zoning development
  - (c) The accessory apartment shall be designed so that the appearance of the building remains that of a one-family dwelling. There shall be one egress to the primary living area and one egress shall be located on the side or in the rear of the building.
  - (d) The size of the accessory apartment shall be a minimum of 600 square feet, and shall not exceed 1/3 of the living area of the entire dwelling (both units).
  - (e) The dwelling to which an accessory apartment is to be added must be, and continue to be, owner occupied.
  - (f) Only one bedroom is permitted in the accessory apartment.
  - (g) Off-street paved or gravel parking shall be provided for at least four (4) vehicles.
  - (h) The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.
  - (i) Prior to granting a special exception by the ZBA, the owner shall provide, as part of the ZBA case file, the following:

- 1) evidence to the Town health officer that septic facilities are adequate for both units according to the standards of the Town and the N.H. Water Supply and Pollution Control Division. If deemed necessary by said health officer, such evidence shall be in the form of certification by a State of NH licensed septic system designer. Also, the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire. The health inspector then shall indicate his approval in writing to the ZBA.
  - 2) a floor plan of one-quarter inch (1/4") to the foot scale showing the proposed changes to the building.
  - 3) a sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking.
  - 4) evidence must be submitted to the building inspector that all building requirements can be met. The building inspector shall then indicate his approval in writing to the ZBA.
- (j) The accessory apartment shall be subject to the standards and conditions for a special exception as set forth in this Ordinance.
- B. If a home that had a special exception permit for an accessory apartment is transferred, then said exception shall cease.

Yes 868\*      No 505

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

Amend Article VII Supplemental Provisions by adding a section outlining the requirements attendant to Residential Home Occupations to become a new section 7.90.

## **RESIDENTIAL HOME OCCUPATION ORDINANCE**

### **1. PURPOSE**

The standards of this Section dealing with home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities which are traditionally carried out in a home.

### **2. DEFINITION**

Home occupation is defined as any business, occupation or activity conducted for gain within a residential building, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building. This

regulation applies to all zoning districts.

### 3. STANDARDS

1.1 The home occupation shall be conducted solely by the number(s) of the immediate family that reside(s) in the dwelling unit except that one (1) additional non-resident may also be employed.

1.2 No sign other than a name plate not more than one square foot in area shall be allowed.

1.3 No display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling shall be allowed.

1.4 No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling; or outside the dwelling unit if conducted in other than a single-family dwelling.

1.5 All home occupations shall be conducted entirely within an enclosed building.

1.6 No materials or equipment associated with the home occupation shall be stored outside the building.

1.7 The following businesses, occupations or activities are specifically prohibited:

1.71 Motor vehicle and accessory sales or rental, repair and/or painting, including trailer rental or sales.

1.72 Medical or dental clinic.

1.73 Restaurant.

1.74 Kennel and veterinary clinic.

1.75 Funeral home.

1.76 Nursery school but not family day care, with six or fewer children.

1.77 Repair shops or service establishments, except the repairs of electrical appliances, typewriters, cameras, or other similar small items.

1.78 Beauty shops and barber shops, except when customer visits are by appointment only and are limited to no more than two customers in any one hour period. Beauty shops and barber shops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.

1.8 The home occupation shall not involve the use for delivery of materials to and from the premises or the on-site, over-night parking of commercial vehicles over two (2) tons gross weight. The intent is to permit delivery vehicles such as United Parcel Service vehicles but to exclude tractor-trailers and other large, heavy commercial vehicles.

1.9 Home occupations that meet all the requirements of this ordinance are exempt from site plan review.

Yes 854 \*      No 584

ARTICLE 9 : Shall the Town vote to raise and appropriate the sum of \$75,000 for the purchase of a new loader backhoe for the Highway Department? The present backhoe is

over ten years old and has over 9000 running hours on it and is in need of cost-prohibitive repairs.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE  
Yes 1010\* No 505

ARTICLE 10 : Shall the Town vote to raise and appropriate the sum of \$25,000 to be placed in a 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 BUDGET COMMITTEE

Yes 1004\* No 506

ARTICLE 11 : Shall the Town vote to increase the penalty fee for Cease and Desist Order violations from \$100 per day to \$275 per day to be consistent with the State penalty fee?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 1123 No 381

ARTICLE 12 : Shall the Town vote to change the Road Agent position from an elected to an appointed position? (This will allow the Board of Selectmen to advertise and hire the most qualified person to fill the position.)

Yes 517\* No 984

ARTICLE 13 : Shall the Town vote to send the following resolution to the New Hampshire General Court? Resolved, New Hampshire's natural, cultural and historic resources in this Town and throughout the State are worthy of protection and, therefore, the State of New Hampshire should establish and fund a permanent public/private partnership for the voluntary conservation of these important resources.

Yes 1080\* No

ARTICLE 14: Shall the Town vote to fund the position of bookkeeper for the Trustees of Trust Funds at a sum of \$350.00 in accordance with RSA 31:35?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 1097\* No 395

ARTICLE 15: Shall the Town vote to raise and appropriate the sum of \$45,000 to be placed in the previously established Fire Department Capital Reserve Fund for Apparatus Replacement?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 1037\* No 465

ARTICLE 16: Shall the Town vote to raise and appropriate the sum of \$233,000 to purchase a new fire tanker truck in accordance with the Truck Replacement Master Plan, and to authorize the withdrawal of \$233,000 from the Apparatus Capital Reserve Fund, created for that purpose? The 1980 tanker to be sold, or traded, with all proceeds to be applied directly to the cost of the new truck.

BOARD OF SELECTMEN RECOMMENDS \$233,000  
BUDGET COMMITTEE RECOMMENDS \$233,000

Yes 1037\* No 468

ARTICLE 17: Shall the Town vote to raise and appropriate the sum of \$3,000 to change the position of FIRE WARD from a non-paid position? \$1,000 to be paid to each Fire Ward as a stipend.

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

Yes 346 No 1041\*

ARTICLE 18 : Shall the Town authorize the Board of Selectmen to install a sprinkler system at the Central Fire Station at a cost of \$20,000?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 690 No 700\*

ARTICLE 19 : Shall the Town authorize the repair of the slate roof and stonework at the Nichols Memorial Library at a cost of \$13,000?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 1110\* No 271

ARTICLE 20 : Shall the Town of Kingston authorize the creation of the position of Town Administrator? This position would perform a wide variety of general management responsibilities; supervising all administrative functions of the Town's municipal operations under the direction of the Board of Selectmen. This position would have a yearly salary range of \$40,000 to \$55,000, in addition to benefits. Further, to raise and appropriate the sum of \$30,000 for the remainder of this year's salary/benefits.

The proposed job description for this position is posted in the Kingston Town Hall.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 577      No 823\*

ARTICLE 21 : Shall the Town vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the existing Kingston Recreation Capital Reserve Fund?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 841\*      No 559

ARTICLE 22 : Shall the Town of Kingston vote to raise and appropriate the sum of \$87,000 to be placed in the "Land Acquisition Capital Reserve Fund" for the future purchase of development rights, conservation easements and other land acquisitions in order to stabilize the tax base, maintain large tracts of land and to help insure that the development of additional large multi-house subdivisions do not have a significant impact on taxes for education, fire and police?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 999\*      No 410

ARTICLE 23: Shall the Town vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be added to the existing Nichols Memorial Library Capital Reserve Fund For Future Library Expansion and name the Nichols Memorial Board of Trustees and Board of Selectmen as agents to expend?

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 814\*      No 582

ARTICLE 24: Shall the Town vote to raise and appropriate the sum of five hundred dollars (\$500.00) for the Seacoast Area Chapter of the American Red Cross to support emergency services offered to the Town and its residents? (On December 3, 1999, the

Yes 1192\* No 221

ARTICLE 25: Shall the Town vote to raise and appropriate the sum of \$833.00 for Sexual Assault Support Services, a private non-profit organization, to assist in funding the Crisis Intervention Program? Our agency provides a 24 hour toll-free hotline and support groups for sexual abuse survivors in Kingston and our education/prevention program is presented to children in Kingston schools.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 1047\* No 361

ARTICLE 26: To see if the Town will adopt the following:

**TOWN LANDFILL ORDINANCE**

**ADOPTED MARCH 15, 1990**

**AMENDED AUGUST 24, 1992; JUNE 21, 1993; MARCH 9, 1994; JULY 26, 1999**

This Ordinance is established and governed by the laws of the State of New Hampshire, RSA Chapter 149.

1. The Town Landfill shall be used for the purpose of dumping refuse and solid waste as defined in RSA 149M:1-17a.

2. Every vehicle entering the Town Landfill must have a Town Landfill Permit. Sticker is to be placed on vehicle as designated by the Selectmen. These stickers are to be issued by the Kingston Town Clerk or by Kingston Landfill personnel.

A fee of \$5.00 per sticker will be charged for residential vehicles.

A fee of \$100.00 per truck will be charged to contracted commercial haulers of refuse.

All scale fees and disposal fees shall be set by the Board of Selectmen.

3. No person shall frequent the Town Landfill for purposes of salvaging items therefrom without specific authorization by the Selectmen in each instance.

4. The use of firearms for any purpose at the Town Landfill by persons other than Police Officers is prohibited.

5. As of July 1, 1993, no leaf or yard waste shall be disposed of in the Landfill (RSA 149-M:22 VI).

6. Kingston residents may deliver "White Goods" (which include refrigerators, stoves, washing machines, dryers and similar appliances) and occasional tires to the Kingston Landfill. A charge of \$15.00 per white good item containing C.F.C.'s; \$7.50 per other white good item; \$2.00 per passenger tire; \$10.00 per light truck tire and \$30.00 per heavy (loader) truck tire. These fees must be paid to the Landfill attendant. Batteries and brush accepted at designated areas without charge.

7. Any portion of this Ordinance declared to be illegal or unenforceable shall not effect the legality or enforceability of the remaining provisions.

It shall be illegal to dump any material at the Kingston Landfill without a Landfill Permit and without paying the scale fee unless waived by the Board of Selectmen.

A fine not to exceed \$500.00 may be levied against any person or persons who violate this Ordinance or who enter the Kingston Landfill area after being denied permission by the Landfill operator, dump checker or any Town Official.

8, Persons with Landfill Permits will be allowed to enter the Kingston Landfill during normal hours of operation. Each vehicle will be stickered by future entrance.

**THIS ORDINANCE WILL BE IN EFFECT UNTIL VOTED UPON BY THE KINGSTON RESIDENTS ON A WARRANT ARTICLE AT THE ANNUAL TOWN MEETING IN MARCH, 2000.**

Yes 1203\*    No 268

**LANDFILL HOURS OF OPERATION TO BE DETERMINED BY SELECTMEN.**

ARTICLE 27: Shall the Town vote to raise and appropriate the sum of \$6,307.00 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, Anger-Management Courses, Substance Abuse Awareness Courses, Stop Shoplifting Courses, Tobacco Education and individually-tailored juvenile diversion contracts.

RECOMMENDED BY THE BOARD OF SELECTMEN  
RECOMMENDED BY BUDGET COMMITTEE

Yes 945\*      No 557

ARTICLE 28: Shall the town authorize the creation of a committee, appointed by the Board of Selectmen, to study the feasibility of a community center?

1. Yes 859\*      No 616

MINUTES OF RECOUNT

MARCH 21, 2000

Recount of Article #18 regarding installing Sprinkler System at the Central Fire Station at a cost of \$20,000., was held at the Town Hall starting at 10:00 AM.

The Recount Board consisted of Electra L. Alessio, Moderator; Mark Heitz, Selectman; Stamatis Yiokarinis, Selectman, and Bettie C. Ouellette, Town Clerk.

The following results were obtained:

YES	690
NO	703
BLANKS	165

Therefore, the Article DID NOT pass. The ballots were re-sealed and locked back in the Town Hall vault at 11:45 AM.

  
Bettie C. Ouellette  
Town Clerk