

**TOWN OF KINGSTON, NEW HAMPSHIRE
HISTORIC DISTRICT COMMISSION
Tuesday, June 12, 2018
Public Meeting and Hearing**

AMENDED

Members Present:

Virginia Morse, Chair
Glenn Coppelman, Planning Board representative
George Korn, Board of Selectmen representative
Madelynn Ouellette
Susan Prescott, Vice Chair
Nancy Pratt, Alternate

Absent: Stanley Shalett
Stacy Smoyer

Other Attendees: Denis and Deb Couture
Rick Korn
Karen Olsen

Ms. Morse called the meeting to order at 7:00 PM.

Ms. Morse welcomed the newest member of the Board, Ms. Nancy Pratt. She is an alternate member. She will be a voting member at this meeting to complete the quorum.

Town Board Updates:

HDC: Critical Correspondence: Ms. Morse informed the Board that she has a pamphlet describing how local commissions can gain resources for preservationists without hiring a full-time staff member. Ms. Morse will make this available as a reference for the Board.

Acceptance of Minutes: Ms. Morse asked for omissions, additions, and/or corrections to the transcribed Minutes of the meetings held on May 8, 2018. Mr. Coppelman requested a clarification regarding discussion of the waiver of application fees for the proposed improvements to Mr. Doyle's property (detailed on page 4). He was not sure if Mr. Doyle provided an answer to this question, and Ms. Morse concurred that he may not have provided detail but believed he mentioned the waiver was requested as he was upgrading and maintaining his property. Mr. Coppelman offered to leave this as is in the minutes. No other comments were offered. Mr. Coppelman made a motion to accept the minutes as written. Mr. Korn seconded this. All in favor, none opposed, and Ms. Prescott and Ms. Pratt abstained.

Planning Board and CIP: Mr. Coppelman did not believe there was anything new but provided an update on the increased activity at the site of the new All American assisted

living facility. At the last Planning Board meeting, other than some smaller items, there was one further item of business to be discussed regarding the plan for monitoring wells and water. Monitoring of the community well is required by the state to check for nutrient flow out of the septic system, and there was an agreement drawn up for the town's hydrogeologist to do that under an established fee schedule; the applicant will be paying these fees. This will go on for at least a couple of years, and after that, there will be a determination of whether or not this will continue to be required. A preconstruction meeting occurred with all necessary department heads in attendance, and many things were discussed about the expectations of construction. There was a bond amount established to cover any work that would be done to restore the site in the event that the project could not be fully completed.

Ms. Morse stated she received an inquiry regarding a temporary sign during construction, and Ms. Morse provided them the details of what is allowed. She believed a vote was not required as the applicant complied with the provided information. Mr. Coppelman asked if this was applied for through the Selectmen's office; Mr. Korn and Ms. Morse stated they did not believe this was required.

Ms. Ouellette asked if the telephone poles that were installed are temporary. Mr. Coppelman thought the final project will have underground utilities, and Ms. Morse concurred and believes these poles are temporary.

Mr. Coppelman also added that the Seacoast Learning Collaborative, who provides educational services to our school district along with other school districts, is investigating the lease of some of the buildings on the Sanborn Seminary property. They came before the Planning Board to see what steps would be required and hoped approvals would not be necessary as they are an educational institution. However, The Planning Board informed them as they are a private concern but for profit, approvals would be required, and instructions were given to them. They were instructed to contact the HDC first and then return to the Planning Board and apply for a site plan review process. Ms. Morse stated that as the property belongs to the school district, she believes the HDC does not have jurisdiction; Mr. Coppelman believes as this would be leased to a private concern, it should be looked at. Mr. Korn added that although he could not provide specific details from the most recent meeting with the Sanborn Regional School District as it was not a public meeting, this situation may be addressed by the Selectmen's office in light of the potential purchase of the Sanborn Seminary property.

Board of Selectmen: Mr. Korn stated there was a recent meeting with the Sanborn Regional School District regarding the purchase of the Sanborn Seminary and Chase Field. He is cautiously optimistic that there will be something to present prior to March 2019. It was not a public meeting, so no further details can be provided. Mr. Korn stated the attendees representing the town were himself, Lynn Gainty, and Ellie Alessio. They met with the Sanborn Regional District Representatives, the superintendent and the business manager.

Heritage Commission: Per Ms. Morse, as there is no HDC representation in the Heritage Commission, there are no updates.

ZBA: Per Ms. Morse, there are no updates.

New Application: Thomas and Michelle Bell, 187 Main Street

New Shed

Ms. Morse received a call from the Bells who notified her that they no longer would like to build this shed. This application is therefore removed from tonight's agenda.

Feedback Requested: Rick Korn, Rick's Food and Spirits, 143 Main Street

Creation of Outdoor Patio Dining

Mr. Rick Korn informed attendees he would like to put some seating in front of the restaurant where there are currently 4 parking spots. He would like to pull up the tar and put some tables out in front. He is envisioning a bistro look with a twin fence around it to match the surrounding area. This area is approximately 30x30 and will fit a dozen tables or so. Nothing new will be built with no septic expansion required. He will just be relocating some tables outdoors.

Ms. Morse clarified that a formal application has not been submitted yet and preliminary feedback only is being requested.

Ms. Prescott asked what type of fence is to be installed. Mr. Korn stated he intends to use a 2-rail, barn-type fence. No alcohol would leave that area, and it will be inaccessible to the public/foot traffic. Ms. Morse asked how tall the fence would be, and he stated about 3 feet.

Mr. Coppelman asked for clarification of where this area would be located. Mr. Korn stated it will be in the front of the restaurant. Ms. Morse asked about the approximate size, which he stated is 30x30. Mr. Coppelman asked if there was pavement now in this proposed patio area, and Mr. Korn stated there is. Ms. Morse asked if this pavement would be taken out and pavers installed, and Mr. Korn confirmed this is the case.

Ms. Ouellette stated she likes this idea and that it would look nice.

Mr. Rick Korn stated this project would keep with the intent of Envision Kingston II. The patio area would be open for lunch and close at dusk.

Ms. Ouellette asked if there would be umbrellas, and Mr. Rick Korn stated would have umbrellas during the day but would take them down once the sun starts to go down. He intends to purchase high-quality, attractive umbrellas.

Ms. Morse asked about lighting in this area during dusk. Mr. Rick Korn stated he would have candles on tables, Tiki torches for ambiance and mosquitoes, and will utilize the lighting already present on site. _____ (unknown speaker) asked how late customers

would be served in this area, and Mr. Rick Korn replied around 8:30 to 9 at the latest; he would not seat anybody outside after dark. Ms. Ouellette expressed she does not like the look of Tiki torches, and Mr. Coppelman stated there are propane heaters that look like light poles, which would also help to extend the season for outdoor activities. Mr. Rick Korn agreed.

Mr. Coppelman asked if there would be entertainment, and Mr. Rick Korn stated there would only be music from a speaker or 2.

Ms. Morse expressed concern about losing 4 parking spaces as the police in the past has expressed concern with overflow parking on neighboring streets. She also inquired about the status of demolishing the shed at the site and if that could be used for parking. Mr. Rick Korn stated the business has gained parking in the back along the barn. He confirmed that he did indeed demolish the shed, and the grass is finally growing in and improving the look of that area; he does not want to use this area for parking as it would affect the neighbors and the appearance of the property on that side. He also confirmed that he already met with Chief Briggs last summer, who did not have a problem with overflow parking on neighboring streets.

Ms. Pratt asked if the Kingston 1686 House had similar fencing to what is being proposed, and Mr. Rick Korn and other Board members concurred.

Ms. Morse asked about increased foot traffic into the new outdoor space. Mr. Rick Korn stated there will not be any new stairs or opening onto the patio area. There will be stairs from the tavern down to the patio, and patrons would need to go to the hostess in the tavern to be seated outside on the patio. Ms. Morse recommended that he include this detail in his final application.

Mr. George Korn asked about potential issues with the obstruction of plowing in the winter, and Mr. Rick Korn stated the fencing will be seasonal and will be removed before the winter so plowing can be done without obstruction.

Ms. Ouellette stated there are new hanging string lights at Sea Dog Brewing in Exeter that look great. Ms. Morse stated there are other options than Tiki torches that should be considered.

Ms. Morse agreed this proposal fits with Envision Kingston II to draw potential patrons. She instructed him to fill out the application with specific details and potentially take pictures and provide detail on these pictures of the proposed changes. She stated if this is provided to her quickly, she can provide feedback so that the process is smooth for the next meeting on July 10th. Mr. Rick Korn stated he would like to complete this project and utilize the patio during this summer if possible. She confirmed she will put this on the agenda for the July meeting at 7:15 PM.

Public Hearing Began at 7:30 PM: Change of Fee Structure

Ms. Morse read the announcement regarding this Public Hearing.

Mr. Greenwood provided his feedback in writing on the proposed changes to the fee structure. Ms. Morse passed out the draft fee structure and confirmed members reviewed Mr. Greenwood's recommendations.

Ms. Ouellette brought up the terminology of commercial vs. nonresidential, and she favors nonresidential. Ms. Morse stated Mr. Greenwood agreed with this as it is cleaner and allows separation of residential uses more clearly. He thought perhaps nonresidential accessory buildings could be added to the fee structure.

Ms. Morse proposed to remove the specific fees from the Regulations and state in the regulations where the fee structure is posted. Then, a public hearing would not be needed. Mr. Korn agreed with this idea. Ms. Morse stated this would need to be voted on.

Mr. Coppelman asked if each piece of this issue should be voted on separately. His opinion was that a vote should be had to remove these from the Regulations. He explained that for the Planning Board's Rules and Regulations (905.13 and 905.14), a list of projects with a required fee are listed only, not the specific fees themselves for each category of project.

MOTION: Mr. Korn moved to remove the specific fee listing from the Regulations and make them available to the applicant elsewhere. Ms. Prescott seconded.

Members in favor: All.

Members opposed: None.

Members abstained: None.

Mr. Coppelman now asked about the potential language change in the Regulations to reflect this motion. Ms. Morse stated the existing wording in Regulations 1201:12(A) can remain in part. The Board can strike, "Fee schedule is as follows" and add wording suggested by Mr. Greenwood, "The fee structure is available on the town's website and in the Office of the Selectmen." Mr. Coppelman noted that items listed (1) through (5) in the existing Regulations would need to be reviewed and updated.

MOTION: Mr. Coppelman moved to accept the language suggested by Mr. Greenwood. Mr. Korn seconded.

Members in favor: All.

Members opposed: None.

Members abstained: None.

Mr. Greenwood also provided a suggested definition of "residential" and "nonresidential." The Board members present agreed that "nonresidential" will remain rather than changing to "commercial." A discussion ensued regarding what is considered a residential structure. Mr. Korn stated a residential structure is one that is occupied. For

example, a barn is an accessory structure, not a residential one. Ms. Prescott then asked if a shed on someone's property is considered the same as one on a nonresidential property. Mr. Korn suggested determining this by size would be better, and Ms. Ouellette concurred. Ms. Pratt asked if there was a category for existing accessory building. Ms. Ouellette stated this issue was discussed at the last meeting, to have a category for a new and an existing accessory building. She inquired if more work was required by the HDC if a new accessory building requires approval rather than renovating an existing one. Ms. Morse stated it was decided last month that the wording would be, "New and existing accessory building." Mr. Coppelman clarified that if it was a new structure, it is going to require a building permit and inspection fees that are separate from HDC fees, so the fees paid for the HDC do not cover town inspections, which are handled under the building permit.

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Mr. Korn suggested flexibility was needed in determining what square footage would be considered residential and that 100 sq feet is small. His proposal was any structure under 225 sq feet is considered residential, and a structure 226+ sq feet would be considered nonresidential. Ms. Ouellette stated the applicant could ask for a waiver.

Ms. Prescott also asked if a different fee would be charged for structures for agricultural activity. Ms. Prescott stated she renovated a barn but does not house animals in it. Ms. Morse stated the applicant could be asked what the barn is being used for. Mr. Korn said this can be avoided by not exempting agricultural activity. Mr. Coppelman stated the safe course, the one not necessitating the Board to make judgment calls, is to not except agricultural activity, and a waiver can always be requested. Ms. Ouellette reminded the Board that the possibility of a farm stand was discussed as being an accessory building. Mr. Coppelman stated in consideration of the amount of the fees being charged, they are not exorbitant and are not prohibitive to a project. Ms. Ouellette stated if that were somehow the case, a waiver could be requested.

Ms. Ouellette asked if 100 square feet is a good threshold, and Ms. Morse stated Robert Steward must inspect anything over 200 sq feet. To remain consistent, if it is less than 200 sq feet, it will be considered a small accessory structure per Ms. Morse.

Ms. Morse confirmed what requires a fee:

- Remodeling of existing residential building
- Remodeling of existing nonresidential building
- New residential building
- New nonresidential building
- New or existing accessory building up to 200 sq feet or 201+ sq feet
- Change of use or confirmation of use
- Signs and fences
- Roof-mount solar panels
- Ground-mount solar panels and wind turbine

- Demolition

All were in agreement. Ms. Prescott asked if the category “Other” should be removed. Ms. Morse stated she will remove this category as any applicant with a project not appearing on this list can ask the Board for guidance.

Mr. Coppelman asked clarification of what has been voted on already. Ms. Morse reviewed the past 2 motions that have been voted on at this meeting. She clarified that the Board is now voting on a list of things that require a fee to be paid.

Before this vote was taken, Ms. Morse requested if any members of the public were present and wished to speak. Ms. Karen Olsen of 133 Main Street now spoke. She asked for clarification of remodel vs. repair. Ms. Morse stated a repair means fixing a structure in-kind. Remodeling involves using different materials, for example.

MOTION: Mr. Coppelman moved to accept the list of projects requiring a fee, as described above. Ms. Prescott seconded.

Members in favor: All.

Members opposed: None.

Members abstained: None.

Ms. Morse now requested a vote on amounts of the new fees. She requested comments on the dollar amounts.

MOTION: Mr. Korn moved to accept the new fee schedule. Ms. Prescott seconded.

Members in favor: All.

Members opposed: None.

Members abstained: None.

Ms. Morse stated all of these will be presented to Ms. Faulconer, who will update the Ordinance and Regulation Book, and she will ensure the fees are posted to the appropriate places.

There were no other public comments.

Ms. Morse declared the Public Meeting ended at 8:02 PM.

Denis and Deb Couture, New Business at 167 Main Street (Old Country Store location)

Sign Application

Ms. Morse stated an application has been submitted by the Coutures for signage for their new business. According to the application, the sign is 6 feet x 2.5 feet (within the allowed size in the District) and includes a picture. The sign will have low-voltage solar lighting pointing down to the sign from above. The sign is going to be black and brown

with a white background on canvas. The canvas will be attached to a plywood base attached to the front of building.

Ms. Morse asked the location of the sign. Mr. Couture confirmed the old sign up high on the building will remain, but the new sign will be on the fascia of the porch near the roofline. She asked if a picture is available; he did not have one immediately available. He confirmed it will hang down from the fascia and stated the original sign would remain above the porch. Mr. Coppelman stated that building signage is limited to 24 square feet. Ms. Couture stated they wanted to keep up the old sign as it was part of the history of the building and that she wanted to keep it but offered to take it down. Ms. Morse stated the Country Store sign was put up by the previous owner. Mr. Korn stated the Country Store sign is not advertising a business.

Ms. Prescott asked if the number “1” on the picture will indeed be on the sign; Ms. Couture said yes. Mr. Korn asked if all of the text on the picture will be included; Mr. Couture said yes.

Ms. Morse now clarified that the old Country Store sign was a historical monument sign from old Bakie Store days so was left there. Ms. Morse stated when that sign was approved, the previous owner wanted to match the colors on the sign, and that sign was considered part of the building, not part of the additional signage for the business. Ms. Couture reiterated it could be taken down. Mr. Korn did not want to have it taken down and considers it exempted as it is part of the uniqueness of the building, not advertising per se, and it has been there a long time and should not be considered part of allowed footage for the sign. Ms. Prescott agreed with Mr. Korn.

Mr. Coppelman asked if the additional signage fits within the fascia instead of dropping down below. Mr. Couture said it will be 6 inches above and below the fascia.

Mr. Coppelman agreed but does not like the design of the new sign. Ms. Couture said she is going for a vintage classic sign, not a modern one. Ms. Pratt asked what the sign will be constructed of. Mr. Couture said it would be vinyl on a plywood base. Ms. Pratt said she feels it has a modern look. Ms. Couture stated at the last meeting, she believes the sign was approved, but only the colors were in question. Ms. Morse stated she did not see the picture last time. Mr. Couture stated the same picture was provided the last meeting. Ms. Morse stated an application was not received last time, and feedback from the HDC was provided. Mr. Couture stated the sign was already made, but it can be changed, although it is part of the branding.

Mr. Coppelman asked if it was like a banner. Mr. Couture stated it is attached to plywood. Ms. Pratt asked how it is going to be attached. Ms. Couture stated it will be similar to the candy store that just moved in next door.

Ms. Ouellette now brought up a picture of the store on her phone and asked the Coutures to point out to Board members where the sign would be installed.

Ms. Prescott asked if the font in the picture is exact to the sign itself. Ms. Couture asked if the issue was the picture of the woman on the sign. Ms. Prescott clarified she believes the Plains have a colonial feel, and the sign reflects the 1920s. Ms. Couture stated this picture of a woman has been part of their branding for 3 years. Ms. Pratt suggested the sign have a cameo of the woman rather than what is on the sign now. Ms. Couture asked if this was a matter of personal opinion of the Board members as this is the marketing of their business. Ms. Pratt explained that there is a feel to the Historic District, and she is trying to make the brand work in a new design. Mr. Korn stated there are a wide variety of responses and opinions. He does not have a problem with the picture on the sign and moves to approve it. Ms. Prescott said she understands this is her brand and chose to second this motion. Ms. Morse stated that although she personally does not care for the design, the HDC cannot deny the application as there are no specifics to guide the Board. Mr. Coppelman said some other towns have design guidelines, but Kingston only has these for buildings. Mr. Korn stated he also would not chose the design of this sign, but he feels their own opinions of aesthetics cannot be used to deny this application. Ms. Ouellette confirmed the color of the sign with Mr. and Mrs. Couture. Ms. Morse asked for more comments. There was a discussion among the members present regarding the lack of guidelines in the design of signs in the Regulations.

Ms. Morse requested a vote on this matter.

MOTION: Mr. Korn moved to approve the application. Ms. Prescott seconded.

Members in favor: 4.

Members opposed: None.

Members abstained: 2

Ms. Morse explained that a Certificate of Approval will be sent to the Coutures and the Selectmen's office so the next step can be made. She confirmed the address with Mr. Couture to ensure she sends the approval to the correct address. She also requested a check for \$25, and Ms. Couture offered to pay cash instead. Mr. Couture asked if he could pick it up, but Ms. Morse stated she would rather mail it.

Ms. Pratt asked for clarification on the signage for the Couture's new business. She recommended that the HDC could create design guidelines for businesses in the District. Ms. Morse stated there are design guidelines that are structural in nature but not signs. That could be a future project for the Board.

Feedback Requested: Karen Olsen, 133 Main Street
Renovations to Barn

Ms. Olsen stated she has a detached barn on her property, and the north side of barn has been attacked by woodpeckers, and there are holes everywhere. There is also a door high up on the barn for hay, and it is rotten. It has 6 glass windowpanes on it with 2 missing panes. Mr. Coppelman asked if it was a window or a door. She brought pictures and showed them to Mr. Coppelman. She would like to take clapboard off and replace them

with cedar shingles and build 2 identical hay doors without windows with cedar as well to make it look more centered. The single existing door is off-center in an odd spot, and she wants to make it more centered. She would match the paint. This would make future repairs easier as she can replace individual shingles rather than the existing clapboards. She did show a hand-drawn picture to the Board members. She stated the north-facing wall is not visible from the street at all. The new doors would be centered underneath the upper window.

Ms. Prescott asked if the upper window would remain, and she will indeed keep it. It will remain the same natural wood, not painted.

Ms. Morse liked this plan and asked for feedback. Ms. Morse confirmed it is not unusual to mix cedar and shake shingles in the area. Mr. Coppelman asked if this is remodeling or maintenance. Ms. Morse said if something is being changed, it is remodeling and requires an application.

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Ms. Morse thanked Karen for requesting feedback and bringing the pictures and the drawing. She offered to put Karen on the agenda for the next meeting at 7:30 PM on July 10th to discuss this project.

Update: Expirations of Certificate of Approval: Applicant Notifications

Ms. Prescott drove by Brian Gallant's property, and she believes the work was done as approved. Ms. Morse marked this down as completed for today's date. Ms. Morse expressed her appreciation that they are attempting to bring the house back to its historical appearance.

Ms. Smoyer is to check on the approved work for Mari Eggleston's property, but she is not at the meeting tonight and cannot provide an update.

Ms. Morse stated an application for extension was never received by Phil Whitby. She notified to the Selectmen, and they sent him a formal notice of violation. He then called and stated he sent a letter asking for the extension the same week of last month's meeting, but it unfortunately was sent to the incorrect address. He wrote again dated June 4, 2018, requesting an extension. As Ms. Morse and Ms. Ouellette are abutters, they have recused themselves from the discussion of this matter.

Ms. Prescott asked for comments. Mr. Coppelman stated that although he wasn't at the meeting where this was discussed, he has seen the site and is concerned that the shed has become a permanent fixture. He believes the temporary use for 2 years was long enough and does not favor granting an extension. Mr. Korn agrees with Mr. Coppelman and wanted to discuss the options and who enforces this. Mr. Coppelman stated that the Selectmen would take action. Ms. Prescott wanted to add that the applicant is older and

pleaded for more time at that meeting. Both Mr. Coppelman and Mr. Korn stated this is not a personal issue but a regulatory one.

MOTION: Mr. Coppelman moved to deny the request for an extension submitted by Mr. Whitby. Mr. Korn seconded.

Members in favor: 4.

Members opposed: None.

Members abstained: 2.

MM&S to adjourn at 8:55 PM. Mr. Korn moved to adjourn the meeting. Mr. Coppelman seconded. All other members agreed.

NOTE: Minutes amended as per Marissa Federico on July 18, 2018. Amendment confirmed via review of audio recording of the meeting.