

TOWN OF KINGSTON, NEW HAMPSHIRE
HISTORIC DISTRICT COMMISSION
Tuesday, May 9, 2023
Public Meeting

Members Present:

Susan Prescott, Chair
Virginia Morse, Vice Chair
Glenn Coppelman, Selectboard representative
Rob Tursello, Planning Board representative
Madelynn Ouellette
Stanley Shalett

Other Attendees:

Marissa Federico, Recording Secretary
Daniel Mastroianni
Lynne Merrill
Deborah Millette

Susan called the public meeting to order at 7:01 p.m

TOWN BOARD UPDATES

HDC: Susan welcomed Rob Tursello to the Board. He introduced himself and gave some personal background. Also, Virginia shared that she met with Susan Ayer regarding the preservation of documents.

Critical Correspondence: None.

Acceptance of Minutes: The minutes of the meeting held on 4/11/23 were discussed. **MM&S:** Glenn made a motion to accept the minutes as written. Seconded by Virginia. All in agreement. Madelynn abstained as she did not read them prior to the meeting.

Planning Board and CIP: Rob noted the PB is interested in hosting a joint meeting with the HDC. This is being planned.

Selectboard: Glenn noted at last night's meeting, the Selectboard appointed Laurie Szwed to fill the slot opened up by the departure of Richard Wilson until the election in March 2024.

Heritage Commission: At the last Heritage Commission meeting, there was a discussion of projects for 2023. The celebration of the anniversary of the Nichols Library will be on 6/10/23. The HC will be joining the HDC in sending letters to owners of historic properties regarding historic preservation. For the Plains Cemetery, there will be a 300th anniversary celebration in 2025, and they are planning a walking tour. This will include the Hearse House, which is on private property abutting the Cemetery. Virginia explained that in the past, Bob Bean and Walt Roy worked on a project to document properties at risk of demolition. There is a booklet for each of these properties which will be scanned for preservation. The HC will review the demolition ordinance; the hope is to encourage property owners to preserve at-risk properties. There are seven properties currently at risk.

Virginia noted after many years of serving as the HDC representative to the HC, she would like to step down and asked members to consider this role.

DANIEL MASTROIANNI AND DEBORAH MILLETTE, 191 MAIN STREET
PROPOSAL TO PURCHASE 14 CHURCH STREET (FORMER CARRIAGE TOWNE NEWS BUILDING)
CHANGE OF USE, MOVE SIGN

Dan and Deborah are considering purchasing 14 Church Street and had questions for the HDC regarding a change of use and moving the existing sign. Susan read a note submitted by Ellie Alessio, the current owner of home, which provided acknowledgement of the plan submitted by Dan and Deborah. They wish to move into the existing home on the property and utilize the commercial building as an antique store with the addition of a one-bedroom apartment on the 2nd floor. This project will require adding a ramp at the front entrance for handicapped access to meet code. The application submitted is for the commercial building only as there are no changes to the residence. The building dimensions are 35x50, and because there are slanted eaves on the 2nd floor, the square footage of the proposed apartment on the 2nd floor is smaller than the footprint of the building. There are 2 stairwells internal to the building, and there are 2 fire egresses.

Discussion of addition of an apartment: Deborah noted the proposed apartment will be too large to be considered an ADU. The apartment will not be handicapped accessible, and the resident(s) will park on the existing crushed stone beside the building. She and Dan will park in the barn. The applicants noted it will be head-in parking to avoid cars sticking out into the drive-through, and they need to make sure there is ample space for handicapped parking. There was a discussion of whether code requires the apartment to have handicapped access; Lynne did not believe this to be the case but expressed she was not sure of the building code. Dan noted he already met with the code inspector, who said the business requires ADA compliance, but the apartment does not. They will park in the barn.

Discussion of ramp for handicapped access: The ramp is for business usage, not for the resident(s) upstairs. Dan explained the building measures 50 feet, so there must be 27 feet for ramp. The existing deck (8 ft.) will be maintained, and the existing steps will also remain in place. Dan noted it will be made of wood, likely pressure treated, and they intend to paint/stain it white once the wood has time to dry out. He further noted there will be adequate swing room on the deck at the end for a wheelchair to enter the building; the code requires 5x5, and this area will measure 5x8. Virginia asked the applicants to verify where the wheelchair access must be (front vs. back) to avoid design changes. Deborah noted it cannot be put in the back of the building as there is no access; Dan added there is a drop-down on that side. Deborah will ask the code enforcement officer about this. Dan noted the ramp will start at the front of the building and will come off of the existing deck in the front. Deborah noted there is pavement on that side, but she intends to use potted plants/flowers to try to block the appearance of the handicap ramp.

Discussion of proposed antique business: The antique store will be on the first floor and will have approximately 1,750 sq. ft. of retail space. Glenn noted that per HDC Ordinance 102.5, A.1(b), a public hearing is required for retail areas greater than 1,500 sq. ft. Deborah noted they have not personally been in the building to measure the size of the shop. She requested they be given time to measure it out. Dan explained there is a stairway and a hallway in the rear of the building that is not going to be used for the business, and the front entryway would also reduce the square footage of the business. Virginia believes the entryway and ramp should be included in the square footage, so she believes a public hearing is important but stressed it would likely not affect the outcome. Lynne, their realtor and

also a member of the Planning Board, explained the entryway is a common area for the apartment and the store and should not be included in the store's square footage.

Discussion of moving the sign: The applicants have not chosen a business name yet. They want to use the existing sign but restore and move it so it is visible from both directions. Only the business name would change. Deborah noted it would be located where the current for-sale sign is, and the details are noted on the application paperwork. Rob noted with the new sign location, there could be reduced visibility for customers backing out into Church Street. Dan noted the setback from the street is 20 feet, which is greater than required by code. He will consider bumping it out further.

Discussion of impact of usage of property: Virginia noted the recent feedback from the town attorney dictating that the HDC can review impact of use, not the use itself. Virginia noted there are 3 proposed uses of this property (house, apartment, business on same lot). Susan explained the PB or ZBA may need to be involved. Deborah noted she sent a letter to the PB on 4/17/23 regarding the project, and they responded that no action was required but advised that she come to the HDC. Rob explained the PB believes this is not a change of use; the residence was pre-existing as was the commercial side of the property, and the apartment is still considered a residence. Lynne Merrill of the PB explained that the house only has 2 bedrooms but was mislabeled as 3 bedrooms; Rob noted the septic is of adequate size for this usage. Glenn was surprised that the PB decided that no site plan review would be required. There was a discussion of traffic changes, and it is expected that traffic is less with the proposed use than with Carriage Towne News. Previously, the house was rented out with employees/customers in the commercial building. The new usage is one tenant with 2 people in the house and likely less traffic from customers.

Susan clarified there are 4 issues for HDC consideration:

- Review impact of change of use: Stan noted there is more traffic on Church Street than Main Street. He noted when the paper was there, there was quite an impact due to traffic with an ample parking lot. He did not believe the new usage would have a greater impact on the District. Susan was in agreement that this proposed new usage would not have a negative impact.
- Impact of apartment on HD1: It was agreed there is no impact to the District to add this apartment.
- Moving location of sign: Susan noted they will need to come back for a discussion of the sign with more detailed information.
- Handicap ramp

MM&S: Susan made a motion to grant the Certificate of Approval on the application as submitted with the following conditions:

- The applicants must return for sign design approval. In the current application, the existing sign will be restored and moved closer to the street but not in a position to block the sightline of cars backing out of driveway. It will be positioned so it is visible from both sides.
- If the square footage of the retail space is greater than 1,500 sq. ft., the application will require a public hearing. Susan recommended that Jess Nisbet, the Code Enforcement Officer and Building Inspector, measure the space as quickly as possible to plan for the possibility of a public hearing in time for the June HDC meeting.
- The handicap ramp will be constructed of pressure-treated wood and after the appropriate aging period will be stained or painted white.
- Decorative features will be put out to alter the appearance of the ramp. These will be removed in the winter to allow for plowing.

Seconded by Rob. All in agreement.

VERIFICATION OF WORK COMPLETED AS APPROVED

Susan explained the process to Rob. Approved projects must be completed within 2 years after the Certificate of Approval, and the work must be completed as approved. Virginia assigned him two projects.

- *Susan's update:* Residence at 3 Scotland Road, work done in accordance with CoA.
- *Glenn's update:* Residence at 176 Main Street, he is not sure if work was completed and did not see the proposed vent pipe for the pellet stove, will do further research. Residence at 46 Little River Road, work done in accordance with CoA. Residence at 52 Little River Road, work done in accordance with CoA.
- *Madelynn's update:* Residence at 3 Chase Street, work done in accordance with CoA. Residence at 182 Main Street, not sure if work was done as approved, will do further research.
- *Virginia's update:* The three signs on her list all were done in accordance with their respective CoAs. There was an approved extension of the CoA for the First Congregational Church.

Virginia noted there are still more properties on the list, and she will give Stan his assignment soon.

JOINT PLANNING BOARD/HDC MEETING

Susan spoke with Lynne of the PB today. Rob explained some PB members are concerned about overlapping language in the Ordinances. Susan noted it is important to have a general review of the Ordinances to clarify language. The PB has invited HDC members to their meeting on 6/6/23 at 6:45 p.m. Rob encouraged members to bring their thoughts and research to that meeting. Madelynn was concerned that there is confusion as to where residents should go for guidance and approval.

Virginia noted she is uncomfortable with residents potentially having trouble with enforcement after a project is approved. Glenn noted the PB should communicate with the HDC when a decision is made for an applicant in the Historic Districts so the HDC has all of the information from the proper sources. This will allow the HDC to have an informed discussion with the applicant.

DISCUSSION OF ATTORNEY GRANDY'S HDC GUIDANCE DOCUMENT ON REVIEWING "USES"

MM&S: Glenn made a motion to publicly discuss the communication from town counsel received on 4/18/23 regarding the HDC's jurisdiction over the usage of a property. Seconded by Virginia. All in agreement.

Susan and Virginia explained that this communication was a brief guidance document, but town counsel noted a longer, more detailed memo will be provided. This detailed memo has not been received yet. The brief guidance noted the HDC can discuss the impact of use.

Virginia believes a full discussion should wait until more detail is received from counsel and noted this will be important to review before the joint PB meeting. Glenn will discuss contacting town counsel with Susan Ayer.

Stan noted there is a lot of confusion currently for the applicant, and guidance is important; Virginia noted this is the intent of the joint PB/HDC meeting. He suggested it might be helpful to have town counsel attend the PB/HDC meeting, and Virginia added this should be asked of the town attorney. Rob noted the Town Planner, Glenn Greenwood, will attend the meeting, and he will invite Jess Nisbet. He added that he is not sure how the ZBA will come into this discussion.

Virginia noted that specificity is important if a denial is issued.

PUBLIC COMMENTS:

Scott Ouellette, 189 Main Street: He believes the HDC must take the lead on Ordinance review and changes. He expressed frustration that town counsel has not provided clear guidance by now which has creating ambiguity. Glenn explained that Regulations set the process for rules to be followed, and Ordinances provide structure and definition only and are approved by voters.

Glenn moved to adjourn the meeting at 8:59 p.m. Seconded by Virginia. All in agreement.

>>These minutes were voted as final without amendment on 6/13/23<<