

TOWN OF KINGSTON, NEW HAMPSHIRE
HISTORIC DISTRICT COMMISSION
Tuesday, July 10, 2018
Public Meeting

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
Stanley Shalett

Absent: Stacy Smoyer

Other Attendees: Rick Korn
Mr. and Mrs. Ted McCormack
Layla Whitby

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

Town Board Updates:

HDC: Critical Correspondence: Ms. Morse had no critical correspondence to share at this time.

Acceptance of Minutes: Ms. Morse asked for omissions, additions, and/or corrections to the transcribed Minutes of the meetings held on June 12, 2018. Ms. Morse mentioned that on page 9, there was a vote to approve the sign for Mr. and Mrs. Couture; she clarified that the number of members opposing were none, and the members abstaining were 2. Mr. Coppelman made a motion to accept the minutes as amended. Mr. Korn seconded this. All in favor, none opposed, and Mr. Shalett abstained.

At the beginning of the meeting, Ms. Layla Whitby handed Ms. Morse a letter about not being able to appear tonight due to health reasons and requested to attend the August meeting instead. Mr. Coppelman provided an update on the uncompleted work at Mr. Whitby's property and the failure to file a formal extension request prior to the expiration of the previous Letter of Approval. Fines have been suspended at this time, but if the intent is to discuss this in August, the Whitbys will need clear expectations that are in accordance with both the Selectmen's and HDC's directions. Mr. Korn stated the Whitbys will need to provide a letter with a full plan because the Selectmen determined that they would hold the fines in advance until August 20, their next meeting, with the intent that the Whitbys would receive HDC direction tonight and have clear expectations of what is required by the August HDC meeting and the Selectmen's meeting on August 20. Mr. Korn expects the Selectmen to go forward with the enforcement action on the

20th unless the HDC gives them an extension/variance/pass/etc. Ms. Morse suggested this is better discussed later on in the meeting and to move onto the regular agenda and discuss this matter at the end of tonight's meeting.

Planning Board and CIP: Mr. Coppelman stated there is nothing new at this time. He shared that All American Assisted Living is moving forward with their project and building is in progress.

In regard to the CIP, Mr. Coppelman sent a note to the Circuit Rider, to the Town Planner, and to Ms. Faulconer requesting that this is put onto next Planning Board agenda because they need to get the committee reconstituted and get requests out to departments for this year's capital improvement plan. That process should be starting at the next meeting, which is a week from today.

Ms. Morse requested confirmation that the Historical and Cultural Resources Chapter of the town's Master Plan is being discussed at the next Planning Board meeting on July 17th. Mr. Coppelman stated the final version of the chapter has been finished and is being delivered to the town, and the final step is for the Planning Board to hold a public hearing and vote on its adoption as part of the Master Plan. Ms. Morse stated she forwarded the final draft to the Board members for their review and encouraged members to log their volunteer hours so they can be utilized with the matching grant that the town has received. Mr. Coppelman stated the hope is that enough volunteer hours are logged so that the town's financial responsibility for this project is limited.

Board of Selectmen: Mr. Korn received a report from the negotiating committee in nonpublic session yesterday relative to the acquisition of the Sanborn property including Chase Field, the Seminary, and Swasey Gym. There was a meeting today with the School Board, and it still looks possible for the acquisition to occur. Ms. Morse clarified that if an agreement is reached, it would have to go out to the voters for approval. Mr. Korn concurred, stating it would have to be approved by the voters and school boards of Kingston and Newton, requiring 4 separate elections for approval.

Heritage Commission: Ms. Prescott is going to accept the responsibility of representing the HDC at Heritage Commission meetings going forward.

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

Rick Korn, Rick's Food and Spirits, 143 Main Street
Creation of Outdoor Patio Dining

Mr. R. Korn now approached the Board with his completed application. He distributed pictures to the Board of the final appearance of the proposed outdoor patio. The only difference is that the paving stones will be larger and lighter-colored, not brick, and there would not be tablecloths on the tables outside. The proposed lighting is a solar light that looks like a candle. The picture also includes the style of fencing, a split-rail removable fence that will be removed every fall.

Ms. Morse stated she discussed this plan with various other town committees/boards, and there was no opposition to this plan.

Mr. Shalett asked how many tables will be out there. Mr. R. Korn stated there will be 8-12, depending on table size. Mr. Shalett also asked if it will be fenced off, and he stated it will be completely fenced off.

Ms. Prescott asked how patrons will enter this outdoor area, and Mr. R. Korn provided a picture and explained that a hostess will be seating patrons, not people seating themselves.

Ms. Morse clarified that patrons will enter the existing main entrance and tell the hostess where they would like to be seated, outside or inside. If they want to sit outside, they will be directed downstairs to be seated by a hostess. Mr. R. Korn agreed.

Ms. Prescott asked how the lighting will be suspended. Mr. R. Korn stated they will be on the corners of the fence where the fences come together.

Ms. Ouellette stated there are existing goose-neck lights on the side that look nice and asked if more could be installed, and Mr. R. Korn stated that could be done, but they are trying to keep the amount of light down, but if more light is needed, he can request this at a future HDC meeting. Mr. Coppelman clarified that the solar lights will be on top of the fence posts, and this was confirmed to be correct. Mr. R. Korn will also have candles on the tables, and there may be Christmas lights on some potted plants, similar to what is there now on the bushes.

Ms. Morse asked if the sign will remain in the same place, and it was confirmed that it will be.

Ms. Pratt requested confirmation of the pavers to be installed. Mr. R. Korn confirmed that the tar will be cut out and pavers installed. Ms. Ouellette asked about the color, and Mr. R. Korn stated light tan or gray, something light.

Mr. Shalett asked about the interference of parking with the dining area. Mr. R. Korn stated the spaces in front will be lost, but nothing new will be added.

Ms. Morse asked how the fence will be put up. Mr. R. Korn stated that when the tar is removed, crushed stone will be installed underneath. They will need to go down deep to avoid frost heaves. Posts will be removed in the fall with a paver put on top for easier winter plowing.

Mr. Coppelman asked about music/entertainment. Mr. R. Korn does not plan anything other than soft background music under normal conversation level.

Mr. Coppelman asked about the capacity/parking ratio. Although the capacity of the restaurant will not change, the amount of parking will decrease. He asked if there are

parking capacity issues right now with patrons parking on the Plains and side streets during busy times. Mr. R. Korn stated that does happen right now where patrons park on Bartlett Street and the Plains. He has discussed this with Chief Briggs, who did not have an issue with this. Also, behind the barn and the restaurant, employees have been instructed to better utilize this space when parking to get more cars parked within the patron spaces..

Ms. Morse stated she also spoke Mr. St. Hilaire about parking and plowing. Mr. R. Korn stated the pavers will be 20 feet from the road and shouldn't cause any issue with road plowing. There was now a discussion about property lines when they abut town property/roads/rights-of-way. Ms. Morse asked Mr. R. Korn about discussing this with Mr. St. Hilaire to make sure there are no conflicts with town property.

Ms. Morse asked what the hours are now and if there will be any changes. Per Mr. R. Korn, the hours for the restaurant now are Wednesdays through Saturdays from 11:30 AM to 10 PM with closing by 11 PM, and on Sundays, the restaurant closes to patrons at 8 PM and closes by 9 PM. For the outside patio, he would like to open it at 11:30 AM and seating the last customers at dusk. Ms. Morse asked if this will change as the season changes, and he concurred.

Ms. Ouellette likes the lights that were chosen but are concerned they are solar and may have white piercing lights. Mr. R. Korn stated they will be yellow/soft lighting, not white/harsh lighting.

Ms. Prescott asked about umbrellas at the tables. Mr. R. Korn stated he would like to have them but has not picked out the color yet. Ms. Ouellette stated they could be red to match the stairs. Mr. R. Korn stated the inside of the restaurant is blue and grey, and he is not sure what color he would use. All of the umbrellas would match. There will be no advertising such as "Bud Light" umbrellas or signs. Ms. Ouellette asked if all of the tables and chairs would match, and they will per Mr. R. Korn. He may look into purchasing umbrellas with the restaurant logo on them.

Ms. Pratt asked about the fence posts. Mr. R. Korn stated there will be a bracket for the fence post that can be covered in the fall with a paver.

Mr. Shalett asked about the size of the patio area. It will be 30x30 per Mr. R. Korn.

Ms. Ouellette stated for the long-term, when the porch was closed in, the details were lost for the windows. She said if the windows were enlarged like a porch, there would be more visibility for the patrons and for those going by. Mr. R. Korn stated that could be a possibility down the road with maybe an awning.

Ms. Prescott asked if the railing on the new stairs will match the existing railing, and it was confirmed that it will.

Ms. Morse asked if there were any other questions. She also reached out to 2 abutters that attended the meeting. She sent out abutter notices for the sake of being thorough even though a public hearing was not required for this improvement.

Mr. Ted McCormack, a member of the public and an abutter, now spoke. He lives at 141 Main Street next to Rick's. He stated he was pleased with the plans as presented. He did have a question about the existing stairs going into the tavern. Mr. R. Korn stated they will remain in place. Although he brought a list of concerns, many of these have already been discussed: Lighting, noise, parking, increased traffic flow, the possibility of increasing seating/parking/traffic, serving hours on the patio. Mr. McCormack stated there is an easement right now for their well, and that area has been recently cleared out by Mr. R. Korn, and he was concerned it would now be used for parking; he is pleased that will not be the case. He is pleased with the proposed fencing and lighting. There was a brief discussion of mosquitoes after dark and possibly using some sort of bug candles or lighting; nothing is planned at this time. Mr. McCormack gave Ms. Morse his list of concerns.

Ms. Ouellette asked if there was a fence between the restaurant and the McCormack's property. Mr. McCormack confirmed there is a fence, and although it needs some repair, it will remain in place.

MOTION: Mr. Coppelman moved to approve the application as presented but also with additional detail provided and discussed during this meeting and with the condition that before any of the work begins, particularly with the installation of the pavers/fencing, that Mr. St. Hilaire provides written approval to Mr. R. Korn and the HDC that he is comfortable with the proposal. Ms. Prescott seconded.

Members in favor: 6.

Members opposed: None.

Members abstained: 1, Mr. Korn.

Ms. Morse now explained the process of approval to Mr. R. Korn.

Renovations to Barn, Karen Olsen, 133 Main Street

Ms. Morse stated she contacted Ms. Olsen regarding the submission of an application. She never submitted an application.

Feedback Requested: Nancy Pratt, 154B Main Street, Renovations to ADU structure

Ms. Pratt stated she owns a condo at this address. It's taxed and assessed as a residential property, and she wishes to keep it this way. However, as it is a separate building across the way from the main building on the property, she wants it used as an accessory dwelling unit (ADU) based on the new law that has passed. She provided the Board with a picture and her ideas on how she would like to improve the property.

Ms. Morse stated this used to be a dentist's office. Ms. Pratt confirmed this is the case.

Ms. Pratt continued that there is plenty of parking and has its own septic.

Ms. Morse looked at the plot plan and asked which unit Ms. Pratt is discussing; it is unit 2. Ms. Morse clarified that on the plot plan, unit 1 and 2 are connected with unit 1 garage connected to the barn/unit 2, and then unit 2 garage is the building Ms. Pratt is discussing. Ms. Morse asked if Ms. Pratt's property consists of unit 2 and the unit 2 garage, which is a separate structure; Ms. Pratt confirmed this is the case. Ms. Pratt stated that the deed shows both structures as being 1 property, but in consideration of the ADU provision, it allows for a condo to have an ADU if it makes sense, which it does in this case.

Mr. Coppelman asked if the ADU law Ms. Pratt is referring to the state RSA, which allows additional dwelling units in single-family homes either attached or detached, and then towns can create local regulations; in Kingston, there is an ordinance addressing this. Ms. Pratt confirmed she has reviewed this town ordinance, allowing for a variance. Mr. Coppelman said this can be handled differently by town, and Kingston has decided to allow this as a special exception granting by the ZBA; she will need to apply to the ZBA. Ms. Pratt stated she intends to have her family live there and will remain one unit with 2 separate structures.

Ms. Morse stated she does not believe the HDC can provide a Certificate of Approval until the ZBA provides its permission. She explained that the HDC is concerned about appearance, but the ZBA provides guidance on legal usage. Mr. Steward discussed this with Ms. Morse, and he suggested this issue be discussed with the ZBA. Ms. Morse provided Ms. Pratt with Ms. Ellie Alessio's information and stated she emailed her contact info to Ms. Pratt already.

Ms. Ouellette asked if the picture provided was the front of the property facing Main Street. Ms. Pratt stated this picture represents her goal for the property after renovations. She wants the separate structure to look like a carriage barn. Her goal is to make it look like a historic old farm.

Ms. Ouellette asked about the proposed roofing. Ms. Pratt is thinking of a metal roof on the main structure but a gray roof to match the existing roof on the separate structure. It's a pitched roof, and she is looking at changing the roof line and installing farm house windows.

Ms. Morse said she likes the look of the picture provided. For approval, more information is needed in writing:

- Roofing material
- Any roof line changes
- Windows, including mullion detail
- What materials would be used on the house: Wooden clapboard, vinyl siding
- What trim would be used.
- A drawing is acceptable with hand-written notes.
- Elevation changes

Ms. Pratt stated her preference is vinyl siding, which is the current material on the house. Ms. Morse stated this could be fine and added the appearance of the trim would be important as well. All detail would need to be provided to the Board for review. Ms. Ouellette suggested concrete board as a good option, and Ms. Prescott stated PVC has some great trim options.

Ms. Morse stated this could be an opportunity for a site walk once the ZBA provides approval. Ms. Pratt would need to have the plans drawn up, and then the HDC can meet and discuss the plans on site.

Mr. Coppelman confirmed the measurement of the structure, and it is greater than 1000 square feet. He informed Ms. Pratt that the ZBA is concerned about square footage in consideration of an ADU structure: The size of the ADU is a maximum of 1/3 of the living area of the entire dwelling (main condo unit and ADU) or 750 sq feet, whatever is greater. This is per Article 206.4, Special Exception, zoning Ordinances.

Ms. Morse stated she will re-email Ms. Pratt with the necessary information so the ZBA can be contacted.

Update: Expirations of Certificates of Approval

Eggleston Property: There is no update regarding the follow up pertaining to Marie Eggleston's expired application. Ms. Smoyer, who is not in attendance, will check on this property and provide an update regarding whether the work has been done.

Whitby Property: Ms. Morse now wished to go back to the issue of the expiration of the Certification of Approval for Mr. Whitby. Last month, the appeal for an extension was denied, and the Whitbys went to the Selectmen, who suggested they return to the HDC for more information and guidance. Mr. Korn added that a notice of violation was issued with fines attached as of a certain date, which he believes is today, and Ms. Whitby appealed that to the Board of Selectmen. In an attempt to work together, the Selectmen offered that she speak with the HDC and get feedback at tonight's meeting and withheld the assessment of fines until the next meeting on August 20th.

Ms. Morse will send a letter to the Whitbys regarding this issue. She asked for suggestions for content of that letter. The Whitbys can approach the HDC at the next

meeting on August 14th. This would be considered a new proposal that is required with a clear deadline of when the application must be submitted. Mr. Korn stated if the HDC suggests more time is needed to examine this issue, the Selectmen may be amenable to giving the Whitbys more time to resolve this. Mr. Coppelman suggested that the Board consider lowering the required completion time of the job in consideration of their violation of the terms of the first Certificate of Approval; the Whitbys have already had 2 years, and if a new proposal is approved, the certificate they get is for another 2 years, and he fears the same situation may arise again.

Mr. Shalett stated he ran into Ms. Whitby while at the post office, and she shared her proposal to attach the shed to the other shed without any space between the two structures. He is not sure how the rooflines would be joined. He suggested that she go to the HDC to be heard. Ms. Morse appreciated Mr. Shalett's advice to Ms. Whitby so that the Board can review the new proposal.

Certificate of Approval Compliance Issue: Signage at the Couture's Business at the Old Country Store Location

Ms. Morse stated that the signage at the Couture's business is not in compliance with the Certificate of Approval; it was to be installed at 6 inches above the fascia board and 6 inches below but is not, it is not mounted on plywood, and it was supposed to be attached to the building, but it is not. Mr. Coppelman showed the Board a picture of the sign. Ms. Prescott and Ms. Ouellette stated the vinyl is peeling off already. Ms. Morse stated there is a window filled with another sign, bringing the business over the maximum allowed signage. The available options are to reconsider the sign's approval or send a letter of noncompliance. If a decision is made to reconsider the sign, a member who voted for approval must suggest this option.

Ms. Prescott stated the first step should be writing a letter to the Coutures regarding how they are out of compliance. Mr. Korn agreed and added they should be invited to a meeting to discuss the issues. Ms. Ouellette stated if a picture was brought in, that would have been helpful. Mr. Coppelman said the Board was trying to be accommodating and could have asked more questions. Ms. Pratt stated the Coutures did provide a good amount of detail that they did not follow.

Ms. Ouellette then stated there are lights strung around the columns and some planters with glow-in-the-dark lights as well. Mr. Coppelman stated this is not in keeping with the Historic District and does not enhance the District.

Ms. Prescott asked Ms. Morse if all of this information can be included in the letter. Ms. Morse stated this can be indeed done, and the ordinances clearly state the limits of signage and lighting. Ms. Morse also added that the lettering on the sign does not match the submitted plan.

Ms. Morse reiterated that the Certificate of Approval does indeed state that changes to approved plans render the approval null. Ms. Morse asked Mr. Korn if this should go to the Selectmen as well, and it was his opinion that the Coutures should be given an opportunity to respond to the letter before that step is taken. Ms. Morse agreed.

New Business: Plan for Sign Ordinance Review

Mr. Coppelman and Ms. Ouellette have been looking at sign ordinances in other towns. Ms. Morse stated there is a document called Design Guidelines to guide builders with very clear instructions for every aspect of design from the structure itself to sidewalks, signage, lighting, etc. This is available on the town's website. Signage was also extensively discussed during the proposed Hannaford's store in town.

Ms. Morse will circulate this prior research and information to all Board members for their input. Then the Board can discuss this issue. Mr. Coppelman stated if the Ordinances are to be changed, a public hearing is required, and voters will need to approve any changes. If Regulations are changed, no vote is required. Ms. Morse shared that right now, there is laxity in the language where different perspectives could result in issues. Ms. Morse stated the Board also has some consulting funds available in the budget that could be of use. Ms. Prescott suggested members find pictures of good signs and bad signs for guidance and discussion.

Broken Historic District Sign in HD II

Ms. Prescott stated that a roadside mower hit the Historic District sign in HD II, and she wondered if there were more signs available. Ms. Morse stated she has an extra sign in her barn, and Mr. St. Hilaire can install it.

MM&S to adjourn at 8:47 PM. Mr. Korn moved to adjourn the meeting. Ms. Prescott seconded. All other members agreed.