

STATE OF NEW HAMPSHIRE

TOWN OF KINGSTON WARRANT ARTICLE 2017

ARTICLE 1: To elect the following Town Officers: one Selectman for a term of three years; one Supervisor of the Checklist for a term of one year; four Budget Committee members for terms of three years; one Budget Committee member for a term of one year; one Trustee of Trust Funds for a term of three years; one Trustee of Trust Funds for a term of two years; two Library Trustees for terms of three years; two Planning Board members for terms of three years; and one Zoning Board of Adjustment member for a term of three years.

ARTICLE 2: Are you in favor of adoption of amendment number 2 to the existing Town Zoning Ordinance as proposed by the Kingston Planning Board as follows?

Replace the existing language in the ordinance, Article 405.7 (B) with the following:

405.7 ACCOUNTING AND DISBURSEMENT OF IMPACT FEES

B. Per NH RSA 674:21, V (c), impact fee expenditures shall be paid by the Treasurer upon order of the Board of Selectmen or its designated agent, without further approval of the legislative body.

RECOMMENDED BY THE PLANNING BOARD

ARTICLE 3: Are you in favor of adoption of amendment number 3 to the existing Town Zoning Ordinance as proposed by the Kingston Planning Board as follows?

Replace the existing language in Article 206, Accessory Family Apartments with the following:

Article 206: ACCESSORY DWELLING UNITS ORDINANCE
(Amended 03/13/2012, 03/10/2015)

206.1 AUTHORITY

This section is enacted in accordance with the provisions of RSA 674:71.

206.2 PURPOSE AND OBJECTIVES

The purpose of the accessory dwelling unit 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 dwelling units in existing single-family dwelling units, 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, Rural Residential and Historic I and II Zoning Districts by ensuring that accessory dwelling units are installed only in owner-occupied single-family houses and under such additional conditions as to protect the health, safety, and welfare of the public.
- D. Clarify that the use as described in this Article is allowed in the Rural Residential Zone and upon meeting the conditions for receiving a Special Exception per this Article, is allowed in the Single Family Residential, Single Family Residential-Agricultural, Historic I and Historic II Zoning Districts.
(Amended 3/10/2015)

206.3 DEFINITIONS

- A. **Accessory Dwelling Unit:** 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 herein.

An accessory dwelling unit may also be located in a detached structure on the site provided the accessory dwelling unit does not exceed one third of the square footage of the primary residential unit on site. The intent of the ordinance is that the accessory unit in either an attached or detached structure shall match the character of the existing residential structure. Any accessory dwelling unit utilizing a detached structure shall meet the requirements set forth within this Ordinance.

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

206.4 SPECIAL EXCEPTION

- A. A special exception allowing the installation of one (1) accessory dwelling unit within a single-family dwelling or a detached structure shall be issued by the Zoning Board of Adjustment provided that the following conditions are met:
 - 1. The proposed use must conform to the dimensional requirements of a single-family lot and meet all existing building requirements. Accessory dwelling units in a multi-

- family structure are prohibited.
2. The single-family dwelling shall not be located within an innovative zoning development.
 3. The accessory dwelling unit shall be designed so that the appearance of the building remains that of a one-family dwelling. When the dwelling unit is not in a detached structure, there shall be one door located along/through an adjoining wall to the primary living area and one egress shall be located on the side or in the rear of the building.
(Amended 3/10/15)
 4. The size of the accessory apartment shall be a minimum of 600 square feet with a maximum of 1/3 of the structure; it shall not exceed 1/3 of the living area of the entire dwelling (both units) or 750 square feet, whichever is greater.
 5. The dwelling to which an accessory apartment is to be added or the new accessory unit shall be, and continue to be, owner occupied.
 6. Up to two bedrooms are permitted in the accessory dwelling unit.
 7. Off-street paved or gravel parking shall be provided for at least four (4) vehicles.
 8. 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.
 9. Prior to granting a special exception by the ZBA, the owner shall provide, as part of the ZBA case file, the following:
 - a. 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 Officer's written decision (approval or denial) shall be submitted to the ZBA prior to the granting of a special exception. *(Amended 3/10/15)*
 - b. a floor plan of one-quarter inch (1/4") to the foot scale showing the proposed changes to the building.
 - c. a sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking.
 - d. evidence must be submitted to the Building Inspector that all building requirements can be met. The Building Inspector's written decision (approval or denial) shall be submitted to the ZBA prior to the granting of a special exception. *(Amended 3/10/15)*
 10. The accessory dwelling unit shall be subject to the standards and conditions for a Special Exception as set forth in this Ordinance. Any ZBA decision granting a Special Exception

for an Accessory Dwelling Unit shall note 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, as determined by the ZBA and/or Board of Selectmen, associated with registering this document. *(Amended 3/10/15)*

11. An accessory dwelling unit may be deemed a unit of workforce housing for the purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58 IV for rental units.

RECOMMENDED BY THE PLANNING BOARD

ARTICLE 4: Are you in favor of adoption of amendment number 4 to the existing Town Zoning Ordinance as proposed by the Kingston Planning Board as follows?

Add the following to Article P-II, Definitions:

- **Bed and Breakfast:** A transient lodging facility, not to exceed 10 guest rooms, which is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served is breakfast and only to in-house guests.
- **Inn:** An establishment which provides transient lodging accommodations to the general public, not to exceed 15 guest rooms, available on a daily basis, and which may also provide other services such as restaurants, meeting rooms, and recreational facilities, but does not provide in-room cooking facilities.

And:

Amend Article 102.5 (Historic District) **DESCRIPTION AND PERMITTED USES** by:

Removing the existing section 102.5 (A) (1) (j) (i through xiii) and replacing with:

j. Bed and Breakfasts (see requirements in Section 904, Site Plan Review Regulations)

k. Inns (see requirements in Section 904, Site Plan Review Regulations)

RECOMMENDED BY THE PLANNING BOARD

ARTICLE 5: As proposed by citizen's petition, are you in favor of adoption of amendment number 5 to the existing Town Zoning Ordinance?

110.3 Permitted Uses: K

delete "provided that no lot used for this purpose may be located any closer than 1,000 (one thousand) feet in any direction to any other lot used for this purpose". This amendment will eliminate confusion regarding what is allowed in the commercial zone and encourage more commercial development in the

Commercial 3 Zone. The Planning Board will continue to place esthetic requirements on any future business.

NOT RECOMMENDED BY THE PLANNING BOARD

ARTICLE 6: To see if the Town will 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 \$ 5,318,177.00. Should this article be defeated, the default budget shall be \$5,284,904.00, 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 and 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.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 7: To see if the Town will vote to authorize the Tax Collector to allow a 1½% deduction from Property Tax when payment is made prior to the due date. It is the responsibility of the taxpayer to take the deduction; deductions not taken by the taxpayer on or before December 1st will not be refunded.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 8: Shall the Town vote to adopt the provisions of RSA 72:28-b, All Veterans' Tax Credit? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident, who (1) served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorably separated from service and is not eligible for or receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$300.00, the same amount as the standard or optional veterans' tax credit voted by the Town of Kingston under RSA 72:28.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 9: To see if the Town will vote to raise and appropriate the sum of \$75,000.00 to be placed in the previously established Highway Department Equipment Capital Reserve Fund.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 10: To see if the Town will vote to raise and appropriate the sum of \$50,000.00 to be placed in the previously established Town Buildings Maintenance and Repairs Capital Reserve Fund.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of \$85,000.00 to be placed in the previously established Fire Apparatus Replacement Capital Reserve Fund.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of \$75,000.00 to be placed in the previously established Fire Department Buildings Replacement, Refurbishment or Upgrade Capital Reserve Fund.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 13: To see if the Town will vote to raise and appropriate the sum of \$39,700 and to authorize the hiring of a full time Firefighter/Emergency Medical Technician for the Town of Kingston. This appropriation will be for salary and benefits for 6 months. If approved, this position will become part of the operating budget in ensuing years.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 14: On petition of 65 registered voters, to see if the Town will vote to raise and appropriate the sum of \$10,000.00 to be placed in the Land Acquisition Capital Reserve fund for the future purchase of development rights, conservation easements and other land acquisition to conserve the Town's rural character, provide open space for outdoor recreation by the public, and help stabilize the tax base.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 15: On petition of the Kingston Community Library Board of Trustees and thirty-one registered voters of the Town of Kingston, to see if the Town will create a full-time, permanent Adult Services Librarian position and eliminate one current part-time position. Further, to raise and appropriate \$19,000.00 for salary and benefits, to be added to the \$13,270.00 currently in the proposed Library budget.

**NOT RECOMMENDED BY THE BOARD OF SELECTMEN
THE BUDGET COMMITTEE RECOMMENDS \$8,463.00**

ARTICLE 16: To see if the Town will vote to raise and appropriate the sum of \$56,000.00 for the purpose of making repairs to the roof of the Nichols Building on Main Street, as recommended by a structural engineering report commissioned on the building in 2016. A grant of \$10,000.00 awarded by the N H Division of Historical Resources will be used to pay for a portion of the total cost; the remainder will be taken from the Buildings Maintenance Capital Reserve Fund.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 17: On petition of Richard D. St. Hilaire and 31 registered voters, to see if the town will raise and appropriate \$262,000.00 to be used to cold plane and resurface Main Street, from the State Park to Carriage Town Plaza on Church Street.

**RECOMMENDED BY THE BOARD OF SELECTMEN
RECOMMENDED BY THE BUDGET COMMITTEE**

ARTICLE 18: To see if the Town of Kingston will authorize the Board of Selectmen (or its designee) to enter into discussions with the Sanborn Regional School District for the purpose of negotiating options for a future transfer of the Sanborn Seminary property to the Town of Kingston. If negotiations are successful and the Board of Selectmen and the School District agree to transfer the seminary property to the Town of Kingston, the Town of Kingston will vote on this agreement at a future Town Meeting.

RECOMMENDED BY THE BOARD OF SELECTMEN

ARTICLE 19: To see if the town will vote to authorize the Board of Selectmen to create a 325th Kingston Anniversary Celebration Committee and appoint up to twelve members for the purpose of planning and conducting the 325th anniversary celebration, to be held in 2019.

RECOMMENDED BY THE BOARD OF SELECTMEN

ARTICLE 20: To see if the town will vote to appoint the Board of Selectmen as agents to expend the 325th Anniversary Trust Fund previously established in Article 16 from the town vote in 1995. The Anniversary Celebration will be held in 2019.

RECOMMENDED BY THE BOARD OF SELECTMEN

ARTICLE 21: On petition of 47 registered voters, are you in favor of increasing the size of the board of Selectmen to five members, per RSA 41:8-b? If approved, voting for the additional two (2) members shall occur on the 2018 town ballot per RSA 41:8-e.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN

ARTICLE 22: On petition of 69 registered voters, shall the Town require that all votes by the Municipal Budget Committee and Board of Selectmen relative to appropriation warrant articles and petitioned appropriation special warrant articles shall be recorded votes and the numerical tally of any such vote shall be printed on the town warrant next to the affected warrant article per NH RSA 32:5, V-a. If this warrant article is approved by the Town, the tallied votes of the

affected warrant articles will be printed on the 2018 town warrant and on town warrants in every subsequent year.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN

ARTICLE 23: On petition of 64 registered voters, shall the town vote to ban all types of traps, including but not limited to leg-hold traps, body grip traps, live traps and powered and non-powered cable traps, on all town owned land and all town owned conservation land including all town forests. Traps can cause severe injury to children and hikers, and can be harmful and even deadly to pets and unintended wildlife species. State wildlife and town officials are exempt from this ordinance when exercising duties of their office.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN