

1 **KINGSTON PLANNING BOARD**

2 **OCTOBER 3, 2023**

3 **PUBLIC MEETING**

4 **MINUTES**

5 Ms. Merrill called the meeting to order at **6:46 PM**; there were no challenges to the legality of the
6 meeting.

7
8 **JOINT MEETING WITH THE HISTORIC DISTRICT COMMISSION:**

9 Ms. Merrill introduced the Planning Board and Historic District Commission.

10
11 **PLANNING BOARD MEMBERS PRESENT:**

12 Lynne Merrill, Chair Peter Bakie
13 Robin Duguay, Vice Chair Peter Coffin
14 Chris Bashaw, BOS Representative Steve Padfield
15 Rob Tersolo

16 **HISTORIC DISTRICT COMMISSION MEMBERS PRESENT:**

17 Susan Prescott, Chair Dan Doyle
18 Virginia Morse, Vice Chair Madelynn Ouellette
19 Glenn Coppelman, BOS Representative Stanley Shalett

20
21 **ALSO PRESENT:**

22 Glenn Greenwood, Town Planner
23 Robin Carter, Land Use Admin.

24
25 **PLANNING BOARD (PB) AND HISTORIC DISTRICT COMMISSION (HDC) - BOARD BUSINESS**
26 **Town of Kingston Zoning Ordinance Discussion - Historic Districts:**

27
28 Ms. Merrill explained that PB has begun looking at the Town ordinances as they relate to the
29 current and future needs of the Town. They looked at the Historic District ordinance and the
30 Envision Kingston II (EKII) that was done in 2016 to see if there were any conflicts between them.
31 They didn't find any conflicts. She commented that it was helpful to know that if anyone wanted
32 to begin a project in the EKII that there wouldn't be any zoning impediments in front of them. Ms.
33 Merrill said that when the PB discussed the HD ordinance that there were some items that came
34 up that should be discussed with the HDC so both boards were on the same page.

35
36 **Article 102 - HISTORIC DISTRICT**

37 1) **102.4 Mobile Homes.** Ms. Merrill mentioned that this topic came up in the PB's
38 discussion. The HD ordinance shows that mobile homes are prohibited in the District. The
39 PB wanted to clarify the definition of mobile homes.

40
41 2) **Application processes.** Ms. Morse spoke and explained that the HD wanted to make the
42 application process as clear as possible for the applicants when they are applying for an
43 HDC certificate of approval or whatever project they are doing. Is the ordinance clear to
44 the applicant; do they get direction and all the information they need to know.

45
46 Ms. Merrill replied and said that the PB has been trying to do this over the past five (5)+
47 years, taking a look at the ordinances to streamline processes without compromising
48 anything that has to do with the ordinance and regulations.

3) **HDC proposed changes.** Ms. Prescott said that the HDC has had a number of meetings throughout the summer and they went through the HD ordinance and have some proposed changes. (HDC provided a handout dated Oct. 2, 2023 outlining their proposed changes).

- **Article 102.4 MOBILE HOMES.** The PB and HDC discussed the differences between mobile homes, manufactured homes and presite built homes. They discussed that it shouldn't matter where they are built, but the style and design should be in line with the guidelines found in Article 1200 (Historic District Commission – Rules of Procedure).
 - Ms. Merrill read the definition of Mobile Home (or House Trailer) found in Town of Kingston Article Preamble II (P II).
 - Mr. Coppelman read the NH RSA definitions for manufactured housing (RSA 674:31) and presite built housing (674:31-a).
 - Mobile homes and manufactured homes are similar type structures. Modular and presite built homes are similar.

Decision: The PB and HDC agreed that **102.4** should be changed to include *MOBILE HOMES and MANUFACTURED HOMES, as defined in RSA 674:31*, will not be permitted in the Historic Districts.

Notes:

- Presite Built Housing, as defined in RSA 674:31-a is permitted in the Historic Districts.
- Refer to Article 1200 – Historic District for guidelines for design considerations.
- Add the NH RSA definitions of “*Manufactured Homes*” and “*Presite Built Housing*” to Article Preamble II: Definitions.

- **The use of the word “fine”.** The two boards discussed the use of the word “fine” as it is used throughout the HD ordinance and if it was the appropriate term. i.e., “fine examples, fine homes”.

Decision: The PB and HDC took a consensus vote and agreed to keep the word “fine”.

- **Article 102.5.A.1.a. DESCRIPTION AND PERMITTED USES. Residences.**

The HDC and PB discussed the term “Residences” if it should be changed to be more specific. The HDC proposed the following language: a. (REPLACE the word Residences with) “*Single family dwelling or two dwelling units) two-family home, accessory dwelling unit, apartment), and incidental uses. In the case of an Accessory Dwelling Unit, the standards found in Article 206 apply.*” (This is in line with the RR zone-104.4.J). Ms. Merrill questioned if this would have effect on the Chinburg project that may come before them on the former Sanborn Seminary property. Ms. Ouellette mentioned that Attorney Grandy (Town Counsel) suggested they tighten up the term “Residences”.

Ms. Morse explained that the Chinburg project would have the right to go to the ZBA to ask for permission to do a many apartment complex on that site. Then if this was approved by the ZBA they would go back to the HDC for the details of appearance. Ms. Ouellette said that is how they have been working with them. Ms. Merrill questioned if they were planning on going to ZBA. Mr. Coffin said he didn't believe so because they had a situation come up before; there are some units in the Main St. Historic District that have multiple apartments in them and it was pointed out that the definition is “Residences”. They were not required to get a variance because they are preexisting, but there is nothing prohibiting multiple apartments. Ms. Morse said that Attorney Grandy told them this was too broad and they needed to tighten it up and get some wording that was clearer than the broad term “Residences”. So, they used the information from Rural Residential District ordinance. Ms. Morse commented that this doesn't preclude Chinburg from going to ZBA

100 to get a variance to do this. Mr. Coffin noted that under the current definition "Residences"
101 he would not have to go to the ZBA. Ms. Merrill explained that Chinburg has already
102 received guidance they do not have to go to ZBA because it just says "Residences" it is
103 permitted. In changing this is it would be throwing new legal roadblocks and they have
104 already come before the Town. Ms. Morse asked if Chinburg had already formerly come
105 before the Town and if they were informed that they did not need to go before the ZBA.
106 Mr. Greenwood said that there have been no applications or formal public hearing with
107 any group other than meetings with HDC. He said that there have been several
108 conversations with them, and they all reflected that because of the wording in the HD as
109 it stands now that project would not require a ZBA action for relief for apartments. Ms.
110 Morse commented on Mr. Coffins remarks that there are apartments in the HD. She
111 explained that none of them have been approved by the HDC and that they are old ones
112 like Colcord Hall, others are grandfathered by neglect. Ms. Morse said that to her record
113 and can look back to the beginning of the HDC, the Commission has never approved a
114 multifamily dwelling in the HDC without a ZBA approval. Mr. Coffin noted that he was going
115 on the advice of the Attorney because the word "residences" didn't preclude it. Mr. Coffin
116 referred to 301.2 Building Lots that say that *every building lot can have a single family or*
117 *two-family* which is not true because in commercial districts that doesn't pertain. Mr. Coffin
118 asked if the HD was ever an overlay district. Ms. Ouellette and Ms. Morse explained that
119 it was not and a point that was clarified with the Attorney.

120
121 The two boards discussed if the Chinburg project would be grandfathered if this was to
122 change since they have not filed a formal application. Mr. Bashaw said they would not be
123 officially grandfathered. They may have civil recourse because they have invested
124 thousands of dollars already if they felt they had a loss of profits because now they would
125 have to go through the ZBA process or denied from it. There is no way to officially
126 grandfather them unless an application has been submitted. Ms. Merrill explained that is
127 why the PB talked about leaving "Residences" as is because of this project.

128
129 Ms. Ouellette stated concerns because of the housing shortage now, they received an
130 article from the Preservation Alliance. There is a shortage of houses and developers are
131 purchasing homes, especially in the HD because they are cheaper and older and are
132 reselling them and destroying areas by doing this. She noted that we are not an urban
133 area so if this was to happen to the Historic District that could change the look of the HD.
134 They are trying to stop this from happening. There are ADU's, apartments that can be
135 added for homeowners. Mr. Bashaw said that this is a very specific project and restrictions
136 on trying to preserve the building. Ms. Ouellette said that they are going to be reusing the
137 building and saving a significant building that is on the national register. Ms. Merrill
138 commented that there are ways to make a building look like it belongs by restoring the
139 exterior and renovating the interior to be able to keep the old buildings.

140
141 Mr. Greenwood brought up that Chinburg project has been granted an award for a grant
142 of \$500,000 to cover the cost of the demolition.

143
144 Mr. Coppelman referred to 301.1 Lot Regulations. *B. "Every building lot shall have no*
145 *more than one single family home or one two-family dwelling thereon."* He said that this
146 applies to everywhere in Town and includes the HD. The boards discussed that this
147 statement does need to be worked on and clarified.

148
149 The PB and HDC want to see the former Seminary building fixed up, they would like to
150 see this project move forward.

Decision: The PB and HDC took a consensus vote and agreed that “Residences” will remain as is and revisit it next year.

▪ **Article 102.2 HISTORIC DISTRICT I.**

Decision: Add the word “*former*” before Sanborn Regional High School and reference the *Tax Map R34 and Lot 17*.

▪ **Article 102.5.A.2. DESCRIPTION AND PERMITTED USES. Historic District I**

2. Every building lot in Historic District I that has a dwelling thereon shall not have more than one additional structure for use as permitted in accordance with Article 102.5”. **ADD** - *A.1, except for an additional dwelling. For the purposes of this restriction, an Accessory Dwelling Unit (ADU) shall not be considered an “additional dwelling” and are allowed in a separate structure on the lot (i.e., barn, garage, etc.). See Article 206 for ADU definition and requirements.”* This makes it clear that two houses on a single lot are not allowed.

Ms. Merrill commented that an ADU as required by law is permitted in any residential zone. Ms. Ouellette said yes, and they wanted to make that clear that they could still have an ADU.

3. Every building lot in Historic District I that has a dwelling thereon shall not have more than one business activity as permitted in accordance with Article 102.5.A.1, such as one restaurant, or one doctor’s office, or one real estate office, etc.

Decision: The PB and HDC are okay with these changes. However, Mr. Greenwood to provide new language for review.

▪ **Article 102.5.B. DESCRIPTION AND PERMITTED USES. Historic District II**

B. Historic District II is a residential area containing some fine old homes. **REMOVE THIS SENTENCE.** ~~This area is zoned Single Family Residential Agricultural and uses will be permitted in accordance with the Kingston Zoning Ordinances and in conformance with Historic District Ordinances.~~ **ADD THIS LANGUAGE-** *The use of land in the district is limited to single family dwellings, agricultural uses and incidental uses such as private garages, boat houses, tool sheds, gardens, and the like. Agricultural use shall mean land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture, and animal and poultry husbandry. These uses will be permitted in conformance with Historic District Ordinances and Regulations.* <Note: This language is from the SFR-AG zone.>

Decision: The PB and HDC agreed to the changes above.

▪ **Article 102.6.C.1.a. KINGSTON HISTORIC DISTRICT SIGN ORDINANCE. Specific Provisions.**

..... Zoning and Building Codes of the Town of Kingston **ADD the text – section 303.**

Decision: The PB and HDC agreed to add the language “section 303.”

▪ **Article 102.7 CERTIFICATE OF APPROVAL.**

ADD the following language at the end of the first paragraph. *This is in accordance with RSA 674:46.* (This section is the state law, the Powers of the HDC section.)

Decision: The PB and HDC agreed to adding the new sentence above.

▪ **ADD a new section - 102.7.1 SHEDS AND OUT BUILDINGS**

Certain types of sheds and out buildings no longer require a town building permit (see 301.1.F) but within the Districts, those structures still require a Certificate of Approval from the HDC. Among other details, style, size and lot placement will be reviewed.

Mr. Bashaw brought up that this washes away on what was just voted in for anyone who resides in the HD because it is essentially going through a permitting process. Ms. Ouellette explained that they need to because there may be inappropriate styles (i.e., a canvas out building) that someone may want to place in their front yard. They still will be allowed to place it (preferably in the back) but they would need to come before the HDC. They do not want to see sheds inappropriate for a historic home in someone's front lawn. Mr. Bashaw commented that people can put cars and boats in the front yard that are not regulated. Ms. Ouellette said they would like to address the placement so it is not obtrusive from the street view. Ms. Morse mentioned they have worked with people in the HD who wanted sheds and have done it successfully, so they fit in with the HD. Ms. Prescott noted that roof style is also important to match the architecture of the property and it is in their design guidelines.

It was also discussed to revised **Article 301.1 LOT REGULATIONS** to add to the end of section *F. For properties in the Historic Districts, a Certificate of Approval is still required from the Historic District Commission. Refer to sections 102.7.1 and 1201.10.E for further information.*

Decision: The PB and HDC agreed to adding these new sections.

▪ **Article 102.8 PROCEDURE.**

In the first paragraph **ADD** the following language after (time to time) - *Before applying, applicants should refer to HDC Regulations and Design Standards in section 1201.*

In accordance with RSA 676:9, no building permit shall be issued for any work proposed to be done in the Historic District until the Commission has approved the application.

The Commission shall make a decision within 45 days of ~~receipt~~ *filing* of application...

Mr. Bashaw said that it isn't clear when it is considered officially filed within the current 1202.5.(B). "No application shall be deemed filed until accepted by the Commission. Filed Applications will be considered at the next regularly scheduled meeting." Mr. Bashaw read section B. He suggested changing it to, *No application shall be deemed filed until accepted as complete by the Commission.*

B. The Commission shall not accept applications improperly completed. No application shall be deemed filed until accepted ~~by the Commission~~ as "complete". Filed Applications will be considered at the next regularly scheduled meeting. Owners are encouraged to be present when their applications are considered.

Decision: The PB and HDC are agreed to the changes above.

▪ **Article 102.8.C. PROCEDURE.**

C. The Commission shall promptly notify the applicant, *the Building Inspector*, and the Selectmen of its decision.

Ms. Morse commented that they do follow this process right now, but it is good to have the words added.

Further details on HDC procedure can be found in section 1202.

Decision: The PB and HDC are okay with these changes.

248 ▪ **Article 102.8.1 PUBLIC HEARINGS.**

249 (Note: add a “.1” to separate it from duplicate “102.8 Procedure” above and to avoid
250 renumbering everything below)

251 **Decision:** The PB and HDC are okay with this change.

252
253 ▪ **Article 102.9 GUIDELINES.**

254 Rewrite this section as follows.

255
256 **Article 102.9.D. GUIDELINES.**

257 In considering appropriateness of an application, the Commission shall consider, among
258 other things:

259 **A.** The effect that the exterior facade of the building will have when viewed in relation to
260 the surrounding buildings in the district.

261 **B.** The change, if any, in the amount of noise, congestion and traffic that the proposed
262 building or use will create in the district.

263 **C.** Whether the proposal is of a design, or of materials, or for a purpose or use
264 inconsistent with and detrimental or injurious to buildings and purposes or uses upon
265 adjoining lands and whether such proposal is such that it will detract from the character
266 and quiet dignity of the Kingston Historic District.

267 *D. Whether the proposal is of a design, or of materials, or for a purpose or use*
268 *inconsistent with the overall character of the district as described in 102.5.*

269
270 **LANGUAGE MOVED from Section 102.9**

271 If the Historic District Commission or parties at the HDC application level other than the
272 applicant requires expert testimony or documentation to support the denial, they cannot
273 require the applicant be responsible for the generation or costs associated with such
274 support of denial. This shall not prohibit the Historic District Commission from making
275 additional recommendations to an applicant that are in the spirit of the Historic District
276 asking for voluntary compliance or participation. (Added 03/14/2023)

277 **Decision:** The PB and HDC are okay with these changes.

278
279 ▪ **Article 102.10 DENIAL AND APPEAL.**

280 **Change** this section to read: In such cases as the Commission may deny an application,
281 it shall supply the applicant, *the Building Inspector*, and the Board of Adjustment with a
282 letter citing the reasons for such denial. Any person aggrieved by a decision of the
283 Commission may appeal to the Board of Adjustment.

284 **LANGUAGE MOVED from Section 102.9**

285 When making a determination on the application, reasons for denial of an application
286 must be clearly documented and shall be factual and verifiable reasons for denial.
287 (Added 03/14/2023)

288 **Decision:** The PB and HDC agreed to these changes.

289
290 ▪ **ADD this new section. 102.12 PRE-EXISTING USE**

291 *Non-conforming uses legally in existence prior to the enactment of this ordinance may*
292 *be continued, maintained, repaired and improved, unless and until such use becomes an*

293 *imminent hazard to public health and safety. Nonconforming uses may not be expanded*
294 *or changed to other nonconforming uses.*

295 **Decision:** The PB and HDC are okay with adding this new section.

- 296
- 297 **ADD** this new section. **102.13 CONFLICTS**
298 *Must comply with all other Town of Kingston ordinances and regulations unless explicitly*
299 *stated otherwise.*

300 **Decision:** The PB and HDC are okay with adding this new section.

301

302 The joint session of the Planning Board and Historic District Commission was completed at 8:13
303 PM.

304

305 *<The Planning Board took a break at 8:13 PM. The meeting resumed at 8:17 PM.>*

306

307 **PLANNING BOARD - BOARD BUSINESS**

308 **Town of Kingston Zoning Ordinance Discussion:**

309

310 **In preparation for modifications to the Town Ordinances, Rules and Regulations and**
311 **amendments for the 2024 Ballot. The Board reviewed and discussed the following**
312 **sections:**

313

314 **A. Definition of Family (Preamble II, B.13)** – The Board discussed the definition of “Family”
315 as defined in Article Preamble II and various alternative definitions of “Family” (HUD, Merriam-
316 Webster, Wikipedia, etc.) to determine if it should be changed or if it is needed.

317 Mr. Bashaw gave a reason for striking the definition of “Family”. He explained that if one of the
318 definitions is chosen then that is what would need to be gone by. If it is left open to
319 interpretation, then the subjectiveness to the judge is based off of the evidence provided. It
320 won’t have merit based off of what the definition says but what is a reasonable interpretation of
321 the use of the word “family” in the context of the issue that is being dealt with. Mr. Coffin said
322 they will default to the dictionary definition. Mr. Greenwood commented that it will go back to the
323 reasonableness of the action taken on that issue. Ms. Duguay brought up that the Board doesn’t
324 take into consideration the makeup of a family when talking about family.

325 **Decision:** The Board decided that the definition of “Family” should be removed from the list of
326 definitions in P II.

327

328 **B. 1000-foot separation for automotive sales businesses in the C-III district.**

329 Ms. Merrill explained that the reason she suggested the Board revisit this is that there are a
330 couple of businesses that have approached her about buying some property on RT. 125 in C-III.
331 One was a golf cart business, and one was a heavy equipment business. In talking about the
332 1,000-foot separation it was for automotive sales, maybe that it should say that and strike out
333 the rest so other types of business could be located there. Ms. Duguay mentioned that the input
334 from legal explained that it was such a similar type of businesses were not stacked up on each
335 other. Mr. Coffin said the ZBA received testimony from Ellen Faulconer and Glenn Coppelman
336 who were on the Planning Board when it was written and that they were adamant that the intent
337 was to group them all together. Gas stations was taken out because they thought they should
338 be determined by the Aquifer Protection Zone. He went on to say that vehicle sales (trucks and
339 cars) and RV sales were the real issue. Coming up from Plaistow, Plaistow put the 1,000-foot

restriction and Kingston didn't want everyone from Plaistow moving up to create the miracle mile here. The Town wanted diversity.

Mr. Bashaw said that what he is hearing is that that restriction hasn't filled the void to bring commercial industry into those areas and we may be at a point now where the Town is interested in something else. This Article was adopted in 2003 and this is 20 years later, and all of the properties are not filled with businesses that are contributing to any type of tax base or use. Ms. Merrill noted that a golf cart isn't registered on the road, is it considered a vehicle? These are the type of questions we are going to get, and we are going to have to decide how vehicular something is.

Ms. Merrill said that when she drives by the C-III area on RT. 125 there are businesses that are mowed and are attractive from the road, then some that were not maintained as well. She commented that maybe what should be looked at is how we want things to look so that it is an attractive community rather than having a certain distance between them.

Mr. Greenwood referenced Stratham and how they have several car dealerships along Portsmouth Ave. and they all look nice. They do have higher design standards with an open space formula for every commercial lot in town.

Mr. Bakie said this should be revisited. The refrigerator truck business that was looking to go in on the Corner of West Shore Park Rd and RT. 125 is a large office building and they specialize in repairing refrigeration truck units and send them out for rentals. He doesn't see anywhere where Kingston has a business like this. This is not a business with a ton of used cars all over the place, we are talking about a business that is going to generate income to the Town's tax base. Everything they do is done inside and are going to park the units on a paved parking lot.

Mr. Bashaw explained that Legal's opinion was based on the ordinance and the way it is written grouping all the items together. Mr. Greenwood said that according to the guidance from Huddy (Town Counsel) it could be rewritten to break out the items into different categories. Mr. Bashaw said by separating these out we can still maintain the intent of the ordinance while allowing more opportunity.

Decision: The Board asked Mr. Greenwood to draft language to separate out the use categories.

C. Mandatory Preliminary Review Streamlined.

Site Plan Review

904.4 Mandatory Preliminary Review (MPR)

Mr. Greenwood said that this is a regulation and not a time constraint by the Town meeting. Mr. Greenwood explained that his proposal is to make it clear that in some instances MPR isn't necessary. For example, we do not require someone doing a subdivision for lots with road frontage to do an MPR, so why don't we exempt that right up front, so they do not have to request a waiver. If a road is being put in that is what would require an MPR because the road has the greatest impact on wetlands, changing the environment.

"Add the following as the new second line of the section The existing second line will be removed."

“Mandatory preliminary review is unnecessary for proposed redevelopment of existing non-residential sites if new construction is not proposed. In all other cases mandatory preliminary review will be required unless a waiver request is submitted and approved by the Planning Board.”

Mr. Greenwood said that this is a suggestion to streamline the process for subdivisions. The Board frequently grants this waiver. This doesn’t disallow design review; it is a state law.

Subdivision

905.4 Mandatory Preliminary Review

“Add the following as the new second line of the section The existing second line will be removed.”

“Mandatory preliminary review is unnecessary for boundary line adjustments and subdivisions that do not involve the construction of roads. In all other cases mandatory preliminary review will be required unless a waiver request is submitted and approved by the Planning Board.”

Decision: The Board decided to leave this regulation as is and address it in February 2024.

D. **Handicapped Ramps.** The Board determined this did not need to be addressed (discussed at the August 1, 2023, PB meeting).

E. Increase setbacks in lots over one acre in size.

The Zoning ordinance is a bit opaque on the subject. The standard 20-foot requirement is found in Article 3 section 301.1 D. This holds for all districts unless a different setback is called out in a zone. The reality is that different standards do exist in Rural Residential, Industrial, C-I, C-II and C-III. As offered in the table below:

Description of Setback	Rural Residential	C-I	C-II	C-III	Industrial
Front	30	30 (100 CL NH125)	30 (100 CL NH125)	25 change to 30 (100 CL NH 125)	60 (125 from any State numbered highways)
Rear	20	20	20	20	
Side	20	20	20	20	
When abutting Residential	50	50	50	50	

Mr. Coffin referenced the C-1, C-II ordinances the says the setbacks abut residential use a 50’ buffer is required. C-III says 50’ when abutting a residential zone. He suggested changing this to residential *property* or residential *use*. Otherwise, there are two different standards. Ms. Merrill said that if someone buys property in a C-III zone they should expect that a business can go in beside them at any time and the wording should stay as zone. Mr. Coffin noted there should be consistency on this in the commercial zones.

Mr. Greenwood mentioned that in all three zones residential use is legally existing non-conforming. Other than 1,000 feet distance and age restricted housing in C-III there is no new residential use that is going to occur in any of these zones.

Decision: Change the 50-foot set back from residential “zone” to residential “use” in the C-III zone found in 110.6.B.1.b. Setbacks. Then it will be the same in all 3 districts.

Mr. Greenwood noted that the change here is if you are a residential use in C-III and you are not zoned that way, not in a residential district that abuts C-III then you are going to be given allowances in buffers.

Decision: Add setbacks for each of the residential zoning ordinances.

F. Refer to Lot size by soil type handout.

The Board did not discuss this.

Decision: The Board decided to move this to February 2024.

G. The Board could simply change the name of Article 204 – Innovative Zoning ordinance to Conservation Open Space Zoning.

Decision: The Board agreed with this.

H. Minimum apartment size is determined to be 600 square feet in section 206, 4.E, which is the accessory dwelling unit ordinance. It was added to the ADU because it was made a part of the Building and Building Lot ordinance standard called out in Article 301.5, Rented Apartments.

Decision: The Board decided nothing needed to be done on this.

I. The Town has grappled with the concept of **feather signs** for years. The ordinance prohibits them so where they exist in Town, they are an ordinance violation. If the Town doesn’t want to pursue these kinds of enforcement issues, they could amend the sign ordinance at section 303.C.,3., by removing the wording found in line 4 that reads,” no part may consist of banners, pennants, ribbons, streamer, spinners or other similar devices.”

Ms. Duguay mentioned that when the Board previously discussed this that they are permitted as part of promotional, but because they are temporary in nature they are supposed to come down and these would be an enforcement issue and the Town can decide what they want to do.

Decision: The Board decided that this does not need to be addressed or discussed any further.

J. 304:1 Industrial Developments states that “Industrial developments not located in the existing Industrial Zone must have the approval of the Town after being recommended by the Selectmen.”

Mr. Greenwood said It sounds like spot zoning to me and has never happened since he's have been here.

Mr. Greenwood believes this was put in place because of Compair Kellogg (early 80's). Ms. Merrill asked when zoning went into place (1972).

Decision: The Board agreed to recommend that Article 304:1 be eliminated.

459
460 **K. "Industrial" defined.**

461 *The Industrial District established by this ordinance is designed to improve employment*
462 *opportunities and broaden the tax base as well as to promote health, safety, convenience,*
463 *order, prosperity, and other aspects of the general welfare of the Town. The Industrial District*
464 *allows any manufacturing, fabrication, assembly, processing, storage, and distribution use, as*
465 *well as associated research and administration uses. It is intended that the separation of*
466 *industrial uses from residential uses will promote a more desirable land use pattern, protect*
467 *industry from the influences of other land uses, provide suitable space needs for industrial*
468 *location and expansion, and promote stability of industrial and related development.*

469 **Decision:** The Board agreed to this definition. Remove the word "any".
470

471 **L. Warehousing** is an aspect of wholesaling that provides real estate for the process of
472 wholesaling to happen. It is the concept of storing products and goods so wholesalers can
473 supply them to different channels, stores and vendors as and when required.
474

475 Warehousing is specifically permitted in C-I and C-II. In C-III Wholesale Businesses are
476 allowed. Is there an intent to not allow warehousing in C-III. Mr. Greenwood mentioned that
477 wholesale businesses usually need warehouses.

478 **Decision:** Mr. Greenwood to prepare a warrant article to include warehouses in the C-III zone.
479

480 **M. Special Exception** rules are found in C-1, C-II and C-III.

481 Mr. Coffin commented that the purpose of the zone should be included, because it says it is
482 consistent with the nature of the zone. He referred to the part of the article that states the
483 purpose of the zone, so the Board has an idea of what is being looked at, what is the purpose.
484 What is the difference between the three zones. Perhaps make slightly different criteria based
485 on this. One specially is the one that might prohibit certain types of businesses, question #4 "No
486 hazard ..." Should be no unreasonable, saying that you can't accept any risk is limiting.
487 Can some of the Special Exception (ZBA) situations fall under a Conditional Use Permit through
488 the Planning Board instead to streamline the process.

489 **Decision:** Mr. Greenwood will draft language and review with Mr. Coffin. The Board will discuss
490 review and discuss this further.
491

492 **N. Accessory Dwelling Unit (ADU) (Article 206)**

493 The Board discussed the calculation used to determine the size of an ADU. Currently the GLA
494 (Gross Living Area) figure on the tax card is used to calculate it. There is also the Effective Area
495 (includes GLA and porches/decks, basement space) on the tax card too. Mr. Bashaw checked
496 with the Town assessor to inquire into how the calculations are determined. The Effective Area
497 is used as a financial tool and not a determination of actual square footage. The GLA is a
498 calculation pulled by the Town, but the formula calculation is based off of actual S.F. with the
499 exception of the finished attic space, which is calculated at .25%. Mr. Bashaw mentioned that if
500 the assessing company changes the method used to calculate these amounts may vary. He
501 asked that the Board come up with value to calculate the living area for an ADU. Ms. Merrill has
502 a table that can be used to calculate 3rd floor attic space and will get this to Mr. Greenwood.
503

504 Ms. Merrill explained that there is a definition for GLA and it is the finished living space that is
505 under heat and AC.
506

Mr. Greenwood said that the current calculation to determine the size of an ADU is based on a certain percentage of the GLA. The smallest ADU can be 600 S.F. An ADU does have to be accessory to the main dwelling. State law says you have to have ADU's. The criteria can be set by the Town.

Decision: Mr. Bashaw and Mr. Greenwood will evaluate this and come up with language for the Board to review.

Planning Board Budget:

The Planning Board reviewed their 2024 budget.

Correspondence:

Letter from **Jeremy Forest of Bridge Bros. Movers regarding 8 Diamond Oaks Boulevard.**

Ms. Merrill read the letter. They would like to use a portion of the facility as a warehouse to store common household goods for their clients, as well as the supplies and equipment used in their business. The property is zoned C-III. Moving and Storage is not specifically identified under permitted uses in the C-III ordinance. However, they believe it is comparable to wholesale business which are permitted.

The Board discussed if moving and storage is allowed in this district. A couple trucks a week should not be intrusive. Their project will have to meet all the criteria of a site plan review. **Mr.**

Greenwood will follow up with them and let them know that a site plan review will be required.

Motion made by Ms. Duguay that the Bridge Bros. Movers proposed use is consistent with the approved uses in Commercial Zone C-III. Seconded by, Mr. Bakie. A vote was taken, 6 were in favor, Mr. Coffin opposed, the motion passed. (6-1-0)

Ms. Merrill called the meeting adjourned at 10:20 PM.

****Next Public Hearing/Meeting is scheduled for Tuesday, October 17, 2023. Subject to change.****