

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.

49 3) **HDC proposed changes.** Ms. Prescott said that the HDC has had a number of meetings
50 throughout the summer and they went through the HD ordinance and have some proposed
51 changes. (HDC provided a handout dated Oct. 2, 2023 outlining their proposed changes).
52

- 53 ▪ **Article 102.4 MOBILE HOMES.** The PB and HDC discussed the differences between
54 mobile homes, manufactured homes and presite built homes. They discussed that it
55 shouldn't matter where they are built, but the style and design should be in line with the
56 guidelines found in Article 1200 (Historic District Commission – Rules of Procedure).
 - 57 ○ Ms. Merrill read the definition of Mobile Home (or House Trailer) found in Town of
58 Kingston Article Preamble II (P II).
 - 59 ○ Mr. Coppelman read the NH RSA definitions for manufactured housing (RSA
60 674:31) and presite built housing (674:31-a).
 - 61 ○ Mobile homes and manufactured homes are similar type structures. Modular and
62 presite built homes are similar.

63 **Decision:** The PB and HDC agreed that **102.4** should be changed to include *MOBILE HOMES*
64 *and MANUFACTURED HOMES, as defined in RSA 674:31, will not be permitted in the Historic*
65 *Districts.*
66

67 Notes:

- 68 - Presite Built Housing, as defined in RSA 674:31-a is permitted in the Historic Districts.
- 69 - Refer to Article 1200 – Historic District for guidelines for design considerations.
- 70 - Add the NH RSA definitions of *“Manufactured Homes”* and *“Presite Built Housing”* to
71 Article Preamble II: Definitions.
72

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

76 **Decision:** The PB and HDC took a consensus vote and agreed to keep the word “fine”.
77

- 78 ▪ **Article 102.5.A.1.a. DESCRIPTION AND PERMITTED USES. Residences.**
79 The HDC and PB discussed the term “Residences” if it should be changed to be more
80 specific. The HDC proposed the following language: a. (REPLACE the word Residences
81 with) *“Single family dwelling or two dwelling units) two-family home, accessory dwelling*
82 *unit, apartment), and incidental uses. In the case of an Accessory Dwelling Unit, the*
83 *standards found in Article 206 apply.”* (This is in line with the RR zone-104.4.J). Ms. Merrill
84 questioned if this would have effect on the Chinburg project that may come before them
85 on the former Sanborn Seminary property. Ms. Ouellette mentioned that Attorney Grandy
86 (Town Counsel) suggested they tighten up the term “Residences”.
87

88 Ms. Morse explained that the Chinburg project would have the right to go to the ZBA to
89 ask for permission to do a many apartment complex on that site. Then if this was approved
90 by the ZBA they would go back to the HDC for the details of appearance. Ms. Ouellette
91 said that is how they have been working with them. Ms. Merrill questioned if they were
92 planning on going to ZBA. Mr. Coffin said he didn't believe so because they had a situation
93 come up before; there are some units in the Main St. Historic District that have multiple
94 apartments in them and it was pointed out that the definition is “Residences”. They were
95 not required to get a variance because they are preexisting, but there is nothing prohibiting
96 multiple apartments. Ms. Morse said that Attorney Grandy told them this was too broad
97 and they needed to tighten it up and get some wording that was clearer than the broad
98 term “Residences”. So, they used the information from Rural Residential District
99 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.

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

153
154 ▪ **Article 102.2 HISTORIC DISTRICT I.**

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

157
158 ▪ **Article 102.5.A.2. DESCRIPTION AND PERMITTED USES. Historic District I**

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

165
166 Ms. Merrill commented that an ADU as required by law is permitted in any residential zone. Ms.
167 Ouellette said yes, and they wanted to make that clear that they could still have an ADU.

168
169 3. Every building lot in Historic District I that has a dwelling thereon shall not have more
170 than one business activity as permitted in accordance with Article 102.5.A.1, such as
171 one restaurant, or one doctor’s office, or one real estate office, etc.

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

174
175 ▪ **Article 102.5.B. DESCRIPTION AND PERMITTED USES. Historic District II**

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

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

186
187 ▪ **Article 102.6.C.1.a. KINGSTON HISTORIC DISTRICT SIGN ORDINANCE. Specific**
188 **Provisions.**

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

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

191
192 ▪ **Article 102.7 CERTIFICATE OF APPROVAL.**

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

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

196
197 ▪ **ADD a new section - 102.7.1 SHEDS AND OUT BUILDINGS**

198 *Certain types of sheds and out buildings no longer require a town building permit (see*
199 *301.1.F) but within the Districts, those structures still require a Certificate of Approval*
200 *from the HDC. Among other details, style, size and lot placement will be reviewed.*

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

212 It was also discussed to revised **Article 301.1 LOT REGULATIONS** to add to the end of section
213 *F. For properties in the Historic Districts, a Certificate of Approval is still required from the*
214 *Historic District Commission. Refer to sections 102.7.1 and 1201.10.E for further information.*
215 **Decision:** The PB and HDC agreed to adding these new sections.

- 216
- 217 ▪ **Article 102.8 PROCEDURE.**
218 **In the first paragraph ADD the following language after (time to time) - *Before***
219 *applying, applicants should refer to HDC Regulations and Design Standards in section*
220 *1201.*
221 *In accordance with RSA 676:9, no building permit shall be issued for any work proposed*
222 *to be done in the Historic District until the Commission has approved the application.*
223 The Commission shall make a decision within 45 days of ~~receipt~~ *filing* of application...

224

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

230

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

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

- 237
- 238 ▪ **Article 102.8.C. PROCEDURE.**
239 C. The Commission shall promptly notify the applicant, *the Building Inspector*, and the
240 Selectmen of its decision.

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

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

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

245
246
247

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 ▪ **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

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

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

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

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

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

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

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

369

370 C. Mandatory Preliminary Review Streamlined.

371 **Site Plan Review**

372 **904.4 Mandatory Preliminary Review (MPR)**

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

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

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

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

387 **Subdivision**

388 **905.4 Mandatory Preliminary Review**

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

391
 392 *“Mandatory preliminary review is unnecessary for boundary line adjustments and subdivisions*
 393 *that do not involve the construction of roads. In all other cases mandatory preliminary review*
 394 *will be required unless a waiver request is submitted and approved by the Planning Board.”*

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

396

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

399

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

401 The Zoning ordinance is a bit opaque on the subject. The standard 20-foot requirement is found
 402 in Article 3 section 301.1 D. This holds for all districts unless a different setback is called out in
 403 a zone. The reality is that different standards do exist in Rural Residential, Industrial, C-I, C-II
 404 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	

405

406 Mr. Coffin referenced the C-1, C-II ordinances the says the setbacks abut residential use a 50’
 407 buffer is required. C-III says 50’ when abutting a residential zone. He suggested changing this to
 408 residential *property* or residential *use*. Otherwise, there are two different standards.

409 Ms. Merrill said that if someone buys property in a C-III zone they should expect that a business
 410 can go in beside them at any time and the wording should stay as zone. Mr. Coffin noted there
 411 should be consistency on this in the commercial zones.

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

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

417
418 Mr. Greenwood noted that the change here is if you are a residential use in C-III and you are not
419 zoned that way, not in a residential district that abuts C-III then you are going to be given
420 allowances in buffers.

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

422
423 **F. Refer to Lot size by soil type handout.**

424 The Board did not discuss this.

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

426

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

429 **Decision:** The Board agreed with this.

430

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

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

436

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

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

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

446

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

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

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

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

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K. “Industrial” defined.

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

Decision: The Board agreed to this definition. Remove the word “any”.

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

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

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

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

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

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

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

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

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

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

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

513

514 **Planning Board Budget:**

515 The Planning Board reviewed their 2024 budget.

516

517 **Correspondence:**

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

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

524

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

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

529

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

533

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

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