

1 **KINGSTON PLANNING BOARD**

2 **NOVEMBER 7, 2023,**  
3 **PUBLIC MEETING**  
4 **MINUTES**

5 Ms. Merrill called the meeting to order at **6:45 PM**; there were no challenges to the legality of the  
6 meeting.

7  
8 Ms. Merrill introduced the Planning Board.  
9

10 **PLANNING BOARD MEMBERS PRESENT:**

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

14 **ABSENT:** Peter Bakie  
15

16 **ALSO PRESENT:**

17 Glenn Greenwood, Town Planner  
18 Robin Carter, Land Use Admin.  
19  
20  
21

22 **BOARD BUSINESS**

23  
24 **MEETING WITH ROCKINGHAM PLANNING COMMISSION (RPC) – STORMWATER REGULATION**  
25 **PLANNING ASSISTANCE**

26  
27 Maddie Dilonno from the RPC presented proposed amendments to Kingston's Stormwater  
28 Management regulation (Article 908). Ms. Dilonno mentioned that she came before the Board in  
29 June (June 6, 2023) and presented a draft of the proposed changes to the Town's Stormwater  
30 Management Standards. Since the June meeting the standards have been reviewed by Glenn  
31 Greenwood, Town Planner and Dennis Quintal, Town Engineer and some of those comments will  
32 be included in the final draft.  
33

34 She provided the following handouts:

- 35 1) Kingston Stormwater Management Standards, Proposed Amendments (same draft that was  
36 reviewed in June and redated October 3, 2023) for Article 908: Stormwater Management.  
37 2). Kingston Stormwater Management Standards (Article 908), Summary of Proposed Changes,  
38 dated November 7, 2023. This highlights some of the bigger changes to the Stormwater  
39 Management Standards.  
40 3) Stormwater Best Management Practice (BMP), Annual Inspection & Maintenance (I&M) Report  
41 Form  
42 4) Site Erosion Control Inspection Form (dated 01/08/2019)  
43

44 Ms. Dilonno explained that they added some additional provisions for the Post Construction  
45 Stormwater Management Standards as well as some design criteria for stormwater.  
46

**Review of the Summary of Proposed Changes -**

Ms. Dilonno stated that Kingston's Stormwater Management (SWM) Standards combined construction and post construction stormwater standards, so she separated them out into different sections.

The following sections were presented and reviewed by the Board (copy of the Summary of Proposed changes is available in the Planning Board office.)

**1) Article 908.16: Construction Site Stormwater Runoff, Erosion and Sediment Control (Combination of existing and new language)**

**2) Article 908.16.5: Post Construction Stormwater Management Standards (New Section)**

▪ **908.16.5.A.1: Minimum Thresholds for Applicability**

- This is the trigger threshold that the Town chooses. For projects that come in and meet this threshold would have to comply with the entirety of the Stormwater Management Standards. Right now, Kingston has a threshold of 15,000 square feet (SF). Any site plan project that comes in and disturbs 15,000 or more SF is subject to the Town's SWM Standards. Ms. Dilonno brought up that she understands that the Board decided on the 15,000 SF as the preferred standard.

▪ **908.16.5.A.2: Waiver from Stormwater Management Standards**

- This section has language regarding waivers. For projects that are less than 15,000 SF, applicants can ask for a waiver for some of the regulations using criteria that the Planning Board determines that can be used for some of the requests.

Ms. Dilonno explained that the information provided are minimum SWM Standards and are not much different to what the Town already provides.

▪ **908.16.5.B: Stormwater Management for New Development**

Mr. Greenwood spoke and mentioned that he and Mr. Quintal have looked over the SWM Standards a couple of times and are comfortable with it, with a few changes. **He will incorporate them in the Kingston Stormwater Management Standards draft and get them to Ms. Dilonno.**

Ms. Merrill asked if this tightens or loosens the standards. Ms. Dilonno said that this does tighten the standards. Mr. Greenwood explained that they tighten them by making it clear with what some of the new standards would need to be. The sections outlined in the summary are presently found in the Stormwater Management for the Alteration of Terrain (AOT) permit. These are required for larger projects and are now saying that they can be done for smaller projects. Ms. Dilonno noted that these standards are very similar to what is required for an AOT permit, the major difference is the maintenance and inspection responsibilities fall on the Town.

Ms. Duguay brought up the 15,000 SF Threshold for Kingston and that according to the 15,000 SF requirement it is significantly less than what is required for the AOT permit. Ms. Dilonno replied correct, according to the AOT permit the project has to be a disturbance of 100,000 SF or more.

90                   ▪   **Stormwater management for redevelopment (908.16.5.C)**

91   **Mr. Greenwood noted that this is one that he and Mr. Quintal have changes to and will**  
92   **include them in the recommended changes to Ms. Dilonno.**

93                   ▪   **Off-site mitigation allowance (908.16.5.C.8)**

- 94                   ○ If the applicant can't treat the stormwater on the site this gives the
- 95                   applicant an option of mitigating stormwater runoff at another site within
- 96                   the same watershed if it is not practical onsite. This gives the Planning
- 97                   Board some criteria to follow if this is an option and can be discussed with
- 98                   the applicant as a more viable option.
- 99                   ○ This meets the Town's goal for stormwater and meets the Town's goal for
- 100                  the MS4 permit.

101                  ▪   **Stormwater management plan and site inspections(908.16.5.D)**

102   Ms. Dilonno noted that Mr. Greenwood and Mr. Quintal did have some changes to what the  
103   process is now in Town. **Mr. Greenwood will get the draft language to her.**

- 104                  ○ Documentation pertaining to maintenance of stormwater BMP's, and
- 105                  infrastructure must be recorded at the Registry of Deeds. Ms. Dilonno
- 106                  explained that this is not an explicit MS4 requirement, but it is to help with
- 107                  stormwater management.
- 108                  ○ As-built drawings of the constructed stormwater management systems
- 109                  are required to be submitted following construction. Ms. Dilonno noted
- 110                  that this is an explicit requirement of the MS4 permit.
- 111                  ○ Written reports are to be submitted to the Planning Board every 3 years
- 112                  to make sure everything is functioning properly.

113   Ms. Duguay brought up that the Board talked about a uniform annual report as well (at the meeting  
114   on June 6, 2023). Mr. Greenwood said that the Town will still require that they do their reports  
115   annually, but the onsite inspections will be done every 3 years, which will require that the annual  
116   reports be provided. Ms. Merrill asked if the reports are done by an engineer. Mr. Greenwood said  
117   yes. Ms. Merrill mentioned that may be found to be burdensome. Mr. Greenwood commented that  
118   once the SWM processes are in, as long as they are maintained properly, the report will be fairly  
119   simple.

120   Mr. Bashaw brought up that if a commercial site transfers ownership how are they being made  
121   aware that there is stormwater management plan in effect and that they have a legal obligation to  
122   fulfill the requirements; or is it once the Town submits a notice that they are in violation of not  
123   submitting it that is how they find out. Ms. Merrill explained that because they are required to  
124   record the plan at the registry and when the title search is done on the property, they will find that,  
125   and the attorney should be advising at that time that the SWM plan needs to be followed. Ms.  
126   Dilonno commented that what she has seen in other communities that having a note on the site  
127   plan about the SWM inspection responsibility is helpful. Ms. Merrill noted that usually someone  
128   buying a commercial property would look at the site plan. A smaller business may not be aware  
129   that a site plan exists.

130   Ms. Dilonno explained that this requirement applies to new construction or any redevelopment  
131   activity.

Mr. Tersolo brought up that he hasn't come across a stormwater management plan that has been recorded. He said that having a notation on the site plan about the stormwater requirements would be a good idea, especially for new buyers because many times not all documents get recorded (i.e., a stormwater management plan).

Ms. Duguay said that the Town would inspect the property every 3 years so there shouldn't be more than a 3-year timeframe that would go by for an inspection and at that time if the business was not aware they had to do their annual reports could inform them and put them on notice.

Mr. Greenwood explained that the reason this is being done is to make sure their infrastructure is working properly.

Ms. Merrill mentioned that a discussion for another time is who is going to do the inspections, who will maintain the schedule for the inspections, etc. Mr. Greenwood commented that it will always be the Town Engineer. Ms. Merrill noted that this would have to be added to the Town Engineer's job description. Mr. Coffin commented, does this mean that a bond inspection fund would have to be set up for this and a scheduling tickler system for inspections and reporting. Mr. Greenwood said that the Town does have a consultant that helps with the MS4 program, and they meet monthly and maybe could use someone from this consulting firm. Mr. Greenwood noted that this does need further discussion.

Ms. Dilonno said that the deadline would be in the Spring (2024). Mr. Greenwood said that this is a regulation and does not require that these changes are on the warrant ballot. The PB may want to address this in February 2024. **This will be added to the Public Hearing night in February 2024.**

#### **ZONING ORDINANCE CHANGES FOR 2024:**

Mr. Bashaw mentioned that he has been informed by some voters that they would like to see the entire verbiage of the ordinance with changes to make it easier for them to review.

Ms. Merrill explained that the Board needs to decide which articles are ready to move to Public Hearing on December 5, 2023, by means of a motion. Below is a summary of the proposed amendments to articles for 2024. Actual language is attached to these minutes and is available in the Planning Board office. (✓ mark indicates proposed warrant article was voted on and approved by the Planning Board to be moved to the Public Hearing on December 5, 2023, at 6:45 PM. Green are editorial changes that do not need to go to warrant and yellow highlighted sections are to be reviewed at the 11/21/2023 Public Hearing).

#### **Article PREAMBLE II: DEFINITIONS**

##### **B. DEFINITIONS**

- ✓#13. Remove the definition of "Family"
- ✓#15. Remove the definition of "Industrial Developments"
- ✓#15. Add a new definition for "Industrial"
- ✓#18. Replace the definition of "Mobile Home or House Trailer with "Mobile & Manufactured Home" per RSA 674:31
- ✓#?. Add the definition for "Presite Built Housing" per RSA 674:31-a.

**MOTION** made by Mr. Bashaw to move the items listed above of Preamble II, B. Definitions of the following as discussed that we move it to Public Hearing on December 5, 2023. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)

**Article 102: HISTORIC DISTRICT**

✓102.2 Historic District I

✓102.4 Mobile (and Manufactured Homes)

**102. Description and Permitted Uses, 5.A.2.** [Glenn to discuss with Town Counsel and PB to review on 11/21/2023].

**MOTION** made by Mr. Bashaw to table Article 102 Section 5.A.2 until the November 21, 2023 Planning Board meeting. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)

✓102.5 Description and Permitted Uses, B. Historic District II

- 106.C.1.a. **Kingston Historic District Sign Ordinance** [this is not a substantive change and considered editorial and does not need to move to Public Hearing]

- 102.7 **Certificate of Approval** [editorial]

✓102.7.1 Sheds and Out Buildings (new)

- 102.8 **Procedure** [editorial]

✓102.8 Procedure, C.

- 102.8.1 **Public Hearings** [editorial]

✓102.9 Guidelines

✓102.9 Guidelines, D.

✓102.10 Denial and Appeal

✓102.12 Pre-Existing Use (new)

✓102.13 Conflicts (new)

**MOTION** made by Ms. Duguay to advance the changes proposed in Article 102 to Public Hearing with the exception of Sections 102.5; and 106.C.1.a, 102.7, 102.8, 102.8.1 which are editorial. Seconded by, Mr. Coffin. A vote was taken, All were in favor, the motion passed. (6-0-0)

**Articles 102: HISTORIC DISTRICT, 103: SINGLE FAMILY RESIDENTIAL DISTRICT and 105: SINGLE FAMILY RESIDENTIAL DISTRICT-AGRICULTURAL DISTRICT SECTION. ADD SETBACKS.** This language is from Article 301 and is being added to the residential districts. Add the following language to each section: "Every structure shall be set back from front property line a minimum of twenty (20) feet. No structure shall be located within twenty (20) feet of property lines (side and rear)." This is existing law in 301 and propose to include it in these sections is making it easier to find. These are editorial changes and do not need to go to Public Hearing to vote on for the 2024 ballot.

- **Article 102 Historic District Section 102.5 Description and Permitted Uses, A. Historic District I, 4. (new section)** [editorial]

- **Article 102 Historic District Section 102.5 Description and Permitted Uses, B. Historic District II. (new language)** [editorial]

- **Article 103 Single Family Residential District Section 103.5 (new section) (existing 103.5 to become 103.6)** [editorial]

- **Article 105 Single Family Residential District Agricultural District Section 105.4 (new section) (existing 105.4 to become 105.5)** [editorial]

**MOTION** made by Ms. Duguay to adopt Glenn Greenwoods proposed editorial changes to Article 102.5, 103.5 and 105.4. Seconded by, Mr. Coffin. A vote was taken, All were in favor, the motion passed. (6-0-0)

*Mr. Bashaw noted that moving these does not conflict with the Citizens Petition Warrant Article (301.1.F.) that was passed last year regarding sheds because this has a reduced setback that was voted on by the Town's people.*

**Article 109: COMMERCIAL ZONE C-II Section 109.7 Special Exceptions**

Replace Special Exceptions with Conditional Use Permit

**MOTION** made by Ms. Duguay to advance the proposed changes to 109.7 with the exception of changing the word "property" to "properties" (and removing the word "value" to Public Hearing on December 5, 2023). Seconded by, Mr. Tersolo. A vote was taken, All were in favor, the motion passed. (6-0-0)

**Article 110: COMMERCIAL ZONE C-III**

✓110.3 Permitted Uses, K.

✓110.3 Permitted Uses. Add Warehouses to letter O. Wholesale Businesses. (O. Wholesale Business and Warehouses)

✓110.5 Replace Special Exceptions with Conditional Use Permit

✓110.6 Lot Regulations, B. Setbacks, b.

✓110.6 Lot Regulations, B. Setbacks, c.

**MOTION** made by Mr. Bashaw to move Article 110.K as written to Public Hearing. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)

**MOTION** made by Mr. Bashaw to advance the proposed changes to 110.5 with the exception of changing the word "property" to "properties" (and removing the word "value" to Public Hearing on December 5, 2023). Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)

**MOTION** made by Ms. Duguay to advance to Public Hearing all the items in Article 110 that have not been previously voted on; 110.3 adding to section O, 110.6.B. Setbacks, b. and 110.6.B. Setbacks, c. Seconded by, Mr. Coffin. A vote was taken, All were in favor, the motion passed. (6-0-0)

✓**Article 203: KINGSTON FLOOD PLAIN DEVELOPMENT ORDINANCE**

Amend the ordinance to stay in compliance with the requirements of the National Flood Insurance Program.

**MOTION** made by Mr. Bashaw to move Article 203 to Public Hearing. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)

✓**Article 204: INNOVATIVE ZONING**

Change name to Conservation Open Space Zoning

**MOTION** made by Mr. Coffin to move to Hearing Article 204 to change the name from Innovative Zoning to Conservation Open Space Zoning to December 5, 2023. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)

**Article 206: ACCESSORY DWELLING UNIT ORDINANCE**

✓ **Article 206.4 ADU Requirements, E. Accessory Dwelling Units Ordinance**

**MOTION made by Mr. Bashaw to move this to Public Hearing with the editorial change of .49 to 49% and strike the last sentence of the first paragraph referring to the 1,800 SF. and 600 SF. items. Seconded by, Mr. Coffin. A vote was taken, All were in favor, the motion passed. (6-0-0)**

**Article 301: BUILDING AND BUILDING LOTS**

**Article 301.1**

✓ **Remove 301.1 Lot Regulations B. in its entirety**

**MOTION made by Mr. Coffin to move to Hearing the deletion of Article 301.1.B. Seconded by, Mr. Bashaw. A vote was taken, All were in favor, the motion passed. (6-0-0)**

- **Article 301.1 Lot Regulations, F.**

**This language can be added as an editorial change if all the other HDC articles are voted in in March. (Move this to April 2024)**

✓ **Article 304: INDUSTRIAL DEVELOPMENTS**

Remove this ordinance in its entirety. Keep a reference page in the Ordinance book that it was removed.

**MOTION made by Mr. Coffin to move to Hearing on December 5, 2023, the deletion of Article 304. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)**

**Article 402: RECREATIONAL CAMPGROUNDS AND CAMPING PARKS**

**Review language and vote on 11/21/2023**

**Approval of the October 3, 2023 Minutes:**

**MOTION made by Mr. Bashaw to accept the 10/03/2023 minutes as presented. Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion passed. (6-0-0)**

**Correspondence:**

**Bond for Fieldstone Industrial Park, R2-13, 34 RT. 125**

Dennis Quintal has been to the site. He has provided a list of his observations for this property. He recommends a Bond release of \$8,143.88 and the remaining balance will be \$5,421.38

**MOTION made by Mr. Bashaw to release \$8,143.88 from the Bond. Seconded by, Mr. Coffin. A vote was taken, all were in favor, the motion passed. (6-0-0)**

**Invoices from Civil Construction Management, Inc.**

The Board approved the following invoices:

Date	Description of Property Reviewed	Amount
10/16/2023	Until Energy, 14 & 24 Towle Rd, Solar Field project	\$450.00
10/23/2023	Bashaw ADU proposal	\$267.00
10/23/2023	Samantha Snow, 16 New Boston Rd, Day care site plan proposal	\$367.50
10/23/2023	Souhegan Site Plan, 255 RT 125	\$753.00
10/23/2023	Centerview Hollow Land Co., LLC, Small Pox Rd/Off RT 125	\$375.00
10/24/2023	Fieldstone Industrial Pk inspections	\$367.50

**ADJOURNMENT**

Ms. Merrill called the meeting adjourned at 8:59 PM.

**\*\*Next Public Hearing/Meeting is scheduled for Tuesday, November 21, 2023. Subject to change.\*\***

At the November 7, 2023 Kingston Planning Board Public Meeting, the Board voted on the following 2024 Proposed Warrant Articles.

#	Article	
1	<b>PREAMBLE II</b>	
	Amending <b>PREAMBLE II, B. DEFINITIONS:</b> (Definitions will be renumbered as appropriate on final version of Ordinance).	
	<p><b>#13</b>, by removing the existing language for the definition of <b>"Family"</b>.</p> <p><b>Remove: 13. "Family: One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, or a number of persons, but not exceeding two adults, living and cooking together as a single housekeeping unit shall be deemed to constitute a family."</b></p>	
	<p><b>#15</b>, by removing the existing language for the definition of <b>"Industrial Developments"</b> and adding a new definition for <b>"Industrial"</b></p> <p><b>Remove 15: "Industrial Developments: The dedication of real property to the manufacture of goods or services."</b></p> <p><b>Add 15: "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 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."</b></p>	
	<p><b>#18</b>, by removing the existing language for the definition for <b>"Mobile Homes or House Trailer"</b> and replacing it with the definition for <b>"Mobile Home or Manufactured Home"</b> (as defined in RSA 674:31):</p> <p><b>Remove 18. "Mobile Home or House Trailer: A prefabricated structure or dwelling unit which is designed for long term and continuous residential occupancy and which is designed to be moved on wheels as a whole or in sections which may be temporarily or permanently affixed to real estate."</b></p> <p><b>Replace 18. "Mobile Home or Manufactured Home (as defined in RSA 674:31):</b> As used in this subdivision, "manufactured housing" means any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein.</p> <p>Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a."</p>	
	<b>Add New #. "Presite Built Housing (as defined in RSA 674:31-a.): - As used in this subdivision, "presite built housing" means any structure designed primarily for residential</b>	

	<p>occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site.</p> <p>For the purposes of this subdivision, presite built housing shall not include manufactured housing, as defined in RSA 674:31."</p>	
	<p><b>MOTION</b> made by Mr. Bashaw to move the items listed above of Preamble II, B. Definitions of the following as discussed that we move it to Public Hearing on December 5, 2023. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)</p>	

#	Article	
2	<b>Article 102 Historic District</b>	
	<p>Amending Article <b>102 Historic District Section 102.2 Historic District I</b> to add the word "former" and Tax Map and Lot number reference (Tax Map R-34 17) to paragraph 1 to describe Sanborn Regional High School property to read as follows, .....</p> <p>"On Church Street, the District shall go northwest on both sides of the street to a depth of 350 feet for approximately 1,275 feet to the further boundary of the <b>former</b> Sanborn Regional High School property (<b>Tax Map R-34 17</b>). All <b>former</b> Sanborn Regional School District property fronting on Main Street (excepting athletic field on Chase and Church Streets) shall be in the Historic District." .....</p> <p><i>Note re: Article 102 Historic District Section 102.4 Mobile Homes. The Board discussed whether to use the word "may" or "shall" after the reference to RSA 674:31-a and decided that "may" should be the language used.</i></p> <p>Amending <b>Article 102 Historic District Section 102.4 Mobile Homes</b> to read as follows:  <b>"MOBILE HOMES and MANUFACTURED HOMES, as defined in RSA 674:31, will not be permitted in the Historic Districts. Presite Built Housing as defined in RSA 674:31-a. may be allowed in the Historic Districts."</b></p> <p>-----</p> <p><b>102.5 Description and Permitted Uses, A. Historic District I, 2. – (move to 11/21/2023 Planning Board meeting)</b></p> <p><b>Board discussion:</b> Mr. Greenwood drafted the following language for review. "Every building lot in Historic District I that has a dwelling or dwellings thereon shall not have more than one additional structure for use as permitted in accordance with Article 102.5.1. The only instance where two dwellings are allowed to be in separate structures is when one of these is an accessory dwelling unit (ADU) approved to be in a stand-alone structure (i.e., garage, barn, carriage house or other structure). See Article 206 for ADU definitions and requirements. (note: this makes it clear that 2 houses on a single lot are not allowed)"</p> <p><i>Mr. Greenwood explained that the issue is that an exception would have to be made for the Chinburg property (former Sanborn Regional High School) where there would be more than</i></p>	

2 structures on the site. Ms. Merrill stated that morally and ethically as the Chinburg project has come forward, even though they haven't come forward with a formal application they have been guided repeatedly for 2 years in a certain direction; and for us to suddenly reverse this direction would not be morally and ethically proper.

Mr. Greenwood explained that if we leave this as "residences" with the option of having an ADU nothing has to be changed. However, in regard to the proposal discussed and presented by the Historic District Commission would not be changed at this time and be addressed next year. This change will be brought to the attention of the HDC. Mr. Greenwood explained that he would like to talk with Town Counsel (Huddy) about this and would it be okay. Mr. Bashaw said he could talk with Huddy about this. **The Board decided to talk about this again at the November 21, 2023 PB meeting before making any final decisions.**

Mr. Tersolo brought up that what if Chinburg doesn't do anything with this next year and the Board votes this in, what is the process Chinburg would have to go. Mr. Greenwood explained that they would have to go to the ZBA and get a variance. Ms. Merrill commented that the whole project could stop. Mr. Tersolo asked if this was left out, would they be coming in for any other variances. Mr. Greenwood said he doesn't believe they are; however, they did talk about a height requirement and are not sure if they have redesigned for that, and there might be one for "use". The Planning Board has not seen a formal site plan. The HDC has seen some plans.

Ms. Merrill said that there are very few parcels that this would be an issue for. Mr. Tersolo brought up, what if someone else bought this from Chinburg. Ms. Merrill said that the applicant would have to come before the Planning Board to get approvals.

**Motion made by Mr. Bashaw to table Article 102 Section 5.A.2 until the November 21, 2023 Planning Board meeting. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)**

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Amending Article 102 Historic District Section 102.5 Description and Permitted Uses, B. Historic District II to read as follows:

"Historic District II is a residential area containing some fine old homes. ~~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.~~ 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."

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Amending **Article 102 Historic District Section 102.7.1 SHEDS AND OUT BUILDINGS**, by adding a new section entirely to read.

“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.”

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“**102.8 Procedure [editorial] and some move to Public Hearing (word “filing” and C.)**

“Upon obtaining an application, the applicant should supply the information relative to such application as may be required by the Historic District Commission (from 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 and failure to do so will be deemed to constitute an approval by the Commission. Within said period, the Commission shall:

- A. Determine that the application is of no interest to the purpose of the Historic Districts or that the proposal is harmonious with the purpose of the Districts and so notify the applicant, or
- B. Determine that the application represents a proposal that is in conflict with the purposes of the Historic Districts and schedule a meeting with the applicant.”

(Move letter C. below to Public Hearing on December 5, 2023.)

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

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

Amending **Article 102 Historic District Section 102.8 Procedure, C.** to read as follows:

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

#### **Article 102 Historic District Section 102.8.1 PUBLIC HEARINGS**

“Both the Commission and the applicant or each of them shall have the right to call for a public hearing on the proposal. Notice of said hearings shall be posted at least ten (10) days in advance in a newspaper of general circulation and in at least three (3) public places, the cost of said posting to be borne by the applicant. Notice to abutting and adjacent property owners shall be sent by registered mail. Testimony shall be received from any party desiring to participate.”

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Amending **Article 102 Historic District Section 102.9 GUIDELINES**, to read as follows:

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

- A. The effect that the exterior facade of the building will have when viewed in relation to the surrounding buildings in the district.
- B. The change, if any, in the amount of noise, congestion and traffic that the proposed building or use will create in the district.
- C. Whether the proposal is of a design, or of materials, or for a purpose or use inconsistent with and detrimental or injurious to buildings and purposes or uses upon adjoining lands and whether such proposal is such that it will detract from the character and quiet dignity of the Kingston Historic District.
- D. **Whether the proposal is of a design, or of materials, or for a purpose or use inconsistent with the overall character of the district as described in 102.5.**

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

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Amending **Article 102 Historic District Section 102.10 DENIAL AND APPEAL**, to read as follows:

"In such cases as the Commission may deny an application, it shall supply the applicant, **the Building Inspector**, and the Board of Adjustment with a letter citing the reasons for such denial. Any person aggrieved by a decision of the Commission may appeal to the Board of Adjustment.

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

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Amending **Article 102 Historic District** by adding an entirely new **Section 102.12 Pre-Existing Use** to read.

**"Non-conforming uses legally in existence prior to the enactment of this ordinance may be continued, maintained, repaired and improved, unless and until such use becomes an imminent hazard to public health and safety. Nonconforming uses may not be expanded or changed to other nonconforming uses."**

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	Amending <b>Article 102 Historic District</b> by adding an entirely new <b>Section102.13 Conflicts</b> to read. "Must comply with all other Town of Kingston ordinances and regulations unless explicitly stated otherwise."	
	<b>MOTION</b> made by Ms. Duguay to advance the changes proposed in <b>Article 102 to Public Hearing with the exception of Sections 102.5, 106.C.1.a, 102.7, 102.8, 102.8.1</b> which are editorial. Seconded by, Mr. Coffin. A vote was taken, All were in favor, the motion passed. (6-0-0)	

#	Article	
3	<b>Article 102 Historic District, 103 Single Family Residential District, 105 Single Family Residential-Agricultural District</b>	
	<p><b>ADD SET BACKS to Articles 102, 103 and 105.</b> <i>This language is from Article 301 and being added to the residential districts. Add the following language to each section below: "Every structure shall be set back from front property line a minimum of twenty (20) feet. No structure shall be located within twenty (20) feet of property lines (side and rear)." This is existing law in 301 and propose including it in these sections is making it easier to find. These are editorial changes and do not need to go to Public Hearing to vote on for the 2024 ballot.</i></p> <p><b>Article 102 Historic District Section102.5 Description and Permitted Uses, A. Historic District I, 4. (new section) [editorial]</b>  <b>Article 102 Historic District Section102.5 Description and Permitted Uses, B. Historic District II. (new language) [editorial]</b>  <b>Article 103 Single Family Residential District Section 103.5 (new section) (existing 103.5 to become 103.6) [editorial]</b>  <b>Article 105 Single Family Residential District Agricultural District Section 105.4 (new section) (existing 105.4 to become 105.5)[editorial]</b></p>	
	<p><b>MOTION</b> made by Ms. Duguay to adopt <b>Glenn Greenwoods proposed editorial changes to Article 102.5, 103.5 and 105.4.</b> Seconded by, Mr. Coffin. A vote was taken, All were in favor, the motion passed. (6-0-0)</p> <p><i>Board discussion: Mr. Bashaw noted that moving these does not conflict with the Citizens Petition Warrant Article (301.1.F.) that was passed last year regarding sheds because this has a reduced setback that was voted on by the Town's people.</i></p>	

#	Article	
4	<b>Article 109: Commercial District C-II</b>	
	<p>Amending <b>Article 109 Commercial District II Section 109.7 Special Exceptions</b> to replace Special Exceptions with Conditional Use Permit to read.</p> <p><b>“109.7 Conditional Use Permit:</b> If, after a public hearing by the Planning Board , a proposed business, not specifically permitted or prohibited in this zone, is found to conform in character of operation and would be in harmony with the permitted uses as described in this Zone, then such use may be allowed by Conditional Use Permit issued by the Planning Board, subject to appropriate conditions and safeguards as may be deemed necessary by said Planning Board. The Board shall deny requests for conditional use permits that do not meet the standards of this section.</p> <p>A. Conditional Use Permits shall meet the following standards:</p> <ol style="list-style-type: none"> <li>1. No unreasonable impact to <del>properties-values</del> in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles, or other materials.</li> <li>2. No creation of traffic safety hazard or substantial increase in the level of traffic congestion in the vicinity.</li> <li>3. No unreasonable excess demand for municipal services including, but not limited to: water, sewer, waste disposal, police, fire protection, and schools.</li> <li>4. No unreasonable hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.</li> <li>5. Notification of the hearing will be provided to the Conservation Commission and Board of Selectmen.”</li> </ol>	
	<p><b>MOTION</b> made by Ms. Duguay to advance the proposed changes to 109.7 with the exception of changing the word “property” to “properties” (and removing the word “value” to Public Hearing on December 5, 2023). <b>Seconded</b> by, Mr. Tersolo. <b>A vote was taken, All were in favor, the motion passed. (6-0-0)</b></p>	

#	Article	
5	<b>Article 110: Commercial District C-III</b>	
	<p><i>Board discussion: Mr. Bashaw said this gives discretion, it gives some opportunity for the Board because there are so many variations of what could be brought before the Board there is no way language could be crafted that is clearly understood and fairly applied. Mr. Greenwood explained that there could be real differences between these type of businesses even though they are lumped together presently as they are all the same, even though they are not the same. Mr. Coffin brought up if this is a density issue why are they allowed in C-III and not C-I or C-II. Mr. Bashaw commented that initially it was from the auto businesses creeping up RT. 125 toward Kingston and that area is in the C-III zone. Mr. Coffin said that if the C-I and C-II Districts were opened up for these type of businesses it would spread out the area that they could go and minimize the 1,000 foot separation issue. Mr. Bashaw said, in looking back at the old meeting minutes and data on this it appears they were trying to keep those businesses in the south end of Town and not encourage them in the north end of Town in the other commercial districts, and they wanted to restrict how the C-III district looked. Mr. Bashaw noted that there may be other type of restrictions that could be put in place to solve numerous issues.</i></p> <p>Amending <b>Article 110 Commercial District III Section K</b>, by adding new language as follows:</p> <p><i>"K. Vehicular, trailer and recreational vehicle sales, rentals or leasing and service repair facility 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. <b>This 1,000-foot separation applies to like businesses; so automotive vehicle sales and leasing and repair must be separated by 1,000 feet from a new automotive vehicle sales, leasing, and repair business. Heavy truck sales would not be subject to the 1,000-foot separation requirement from automobile sales facilities. Likewise, an automobile short-term rental company would not be subject to the 1,000-foot separation from an automobile sales facility. The Planning Board is allowed to determine if proposed uses constitute uses that require the 1,000-foot separation.</b>"</i></p>	
	<p><b>MOTION</b> made by Mr. Bashaw to move <b>Article 110.K</b> as written to Public Hearing. <b>Seconded</b> by, Ms. Duguay. <b>A vote was taken, All were in favor, the motion passed. (6-0-0)</b></p>	
	<p>-----</p> <p>Amending <b>Article 110 Commercial District III Section 110.3 Permitted Uses, O.</b> by Warehouses to read.</p> <p><b>"O. Wholesale Business and Warehouses"</b></p> <p>-----</p> <p><i>Ms. Merrill explained what this does is give it back to the Planning Board to do so an applicant doesn't need to go to the ZBA for a Special Exception in this situation. Mr. Coffin said that with permissive zoning anything that is not listed as permitted is prohibited. The only way to get around this is to make permitted uses exceptionally vague.</i></p>	

Amending **Article 110 Commercial District III Section 110.5 Special Exceptions** to replace Special Exceptions with Conditional Use Permit to read.

**"110.5 Conditional Use Permit:** If, after a public hearing by the Planning Board , a proposed business, not specifically permitted or prohibited in this zone, is found to conform in character of operation and would be in harmony with the permitted uses as described in this Zone, then such use may be allowed by Conditional Use Permit issued by the Planning Board, subject to appropriate conditions and safeguards as may be deemed necessary by said Planning Board. The Board shall deny requests for conditional use permits that do not meet the standards of this section.

A. Conditional Use Permits shall meet the following standards:

1. No unreasonable impact to **properties value** in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust or other pollutant, noise, glare, heat, vibration or unsightly outdoor storage of equipment, vehicles, or other materials.
2. No creation of traffic safety hazard or substantial increase in the level of traffic congestion in the vicinity.
3. No unreasonable excess demand for municipal services including, but not limited to: water, sewer, waste disposal, police, fire protection, and schools.
4. No unreasonable hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.
5. Notification of the hearing will be provided to the Conservation Commission and Board of Selectmen."

**MOTION** made by Mr. Bashaw to advance the proposed changes to 110.5 with the exception of changing the word "property" to "properties" (and removing the word "value" to Public Hearing on December 5, 2023). **Seconded** by, Ms. Duguay. **A vote was taken, All were in favor, the motion passed. (6-0-0)**

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Amending **Article 110 Commercial District III Section 110.6 Lot Regulations, B. Setbacks, b.** to read as follows:

- b. Residential setback (side or rear only): 50 feet, when abutting a residential **zone use**.

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Amending **Article 110 Commercial District III Section 110.6 Lot Regulations, B. Setbacks, c.** to read as follows:

- c. Otherwise, Front: **25 30** feet, Side: 20 feet, Rear: 20 feet

**MOTION** made by Ms. Duguay to advance to Public Hearing all the items in Article 110 that have not been previously voted on; 110.3 adding to section 0, 110.6.B. Setbacks, b. and 110.6.B. Setbacks, c. **Seconded** by, Mr. Coffin. **A vote was taken, All were in favor, the motion passed. (6-0-0)**

#	Article
6	<b>Article 203 Kingston Flood Plain Development Ordinance</b>
	<p><i>Mr. Greenwood explained that these changes have to be made and are a requirement of FEMA. If they are not done it would make it so the Town is not eligible for the program.</i></p> <p>Amending <b>Article 203 Kingston Flood Plain Development Ordinance</b> to read as follows:</p> <p>This ordinance adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Kingston Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Kingston Zoning Ordinance and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.</p> <p>The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency(FEMA) in its "Flood Insurance Study for the County of Rockingham, NH" dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Maps dated May 17, 2005 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.</p> <p><b>203.1 DEFINITIONS</b></p> <p>The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Kingston.</p> <ul style="list-style-type: none"> <li><b>A. Area of Special Flood Hazard</b> is the land in the floodplain within the Town of Kingston subject to a one-percent or greater possibility of flooding in any given year. The area is designated as zone A and AE on the FIRM.</li> <li><b>B. Base Flood</b> means the flood having a one-percent possibility of being equaled or exceeded in any given year.</li> <li><b>C. Base Flood Elevation (BFE)</b> means the elevation of surface water resulting from the "base flood."</li> <li><b>D. Basement</b> means any area of a building having its floor subgrade on all sides.</li> <li><b>E. Building</b> – see "structure" .</li> <li><b>F. Development</b> means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures,</li> </ul>

mining, dredging, filling, grading, paving, excavating, or drilling operation or storage of equipment or materials.

**G. FEMA** means that Federal Emergency Management Agency.

**H. Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land area from:

1. the overflow of inland or tidal waters. or
2. the unusual and rapid accumulation or runoff of surface waters from any source.

**I. Flood Elevation Study** means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.

**J. Flood Insurance Rate Map (FIRM)** means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Kingston.

**K. Flood Insurance Study** - see Flood elevation study.

**L. Flood Opening** – means an opening in a foundation or enclosure wall that allows automatic entry or exit of floodwaters. See FEMA “Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures.”

**M. Floodplain or Flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

**N. Flood proofing** means any combination of structural and non- structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

**O. Floodway** - see Regulatory Floodway.

~~**P. Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long term storage or related manufacturing facilities.~~

**Q. Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**R. Historic Structure** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) By an approved state program as determined by the Secretary of the Interior, or
  - b) Directly by the Secretary of the Interior in states without approved programs.

**S. Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**T. Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. **This includes manufactured homes located in a manufactured home park or subdivision.**

**U. Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**V. Mean sea level** means the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, or other datum to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

~~**W. 100-year flood** see base flood.~~

**X. New construction** means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**Y. Recreational vehicle** means a vehicle which is (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed not primarily for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

**Z. Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

**AA. Special flood hazard area** ~~means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on the FIRM as zone A, and AE.~~ (See - “Area of Special Flood Hazard” )

**BB. Structure** means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**CC. Start of Construction** includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of

streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**DD. Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**EE. Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

~~means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceed fifty percent of the market value. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not; however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".~~

**FF. Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**GG. Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

## **203.2 PERMITS**

- A. All proposed development in any special flood hazard areas shall require a permit.
- B. Any proposed work in the floodplain shall conform to the purpose and intent of the Wetlands Conservation Overlay District and meet the designated buffer requirements. (See Article 202)

### **RENUMBER ALL SUBSEQUENT SECTIONS ACCORDINGLY**

## **203.2 CONSTRUCTION REQUIREMENTS:**

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special food hazard area, all new construction or substantial improvements shall:

- A. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- B. be constructed with materials resistant to flood damage,
- C. be constructed by methods and practices that minimize flood damages,
- D. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## **203.3 WATER AND SEWER SYSTEMS:**

Where new or replacement water and sewer systems (including on- site systems) are proposed in a special flood hazard area the applicant shall provide the Health Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

## **203.4 CERTIFICATION:**

For all new substantially improved structures located in Zones A and AE, the applicant shall furnish the following information to the building inspector:

- A. the as-built elevation (in relation to ~~NGVD~~ mean sea level) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- B. if the structure has been flood-proofed, the as-built elevation (in relation to ~~NGVD~~ mean sea level) to which the structure was flood-proofed.
- C. any certification of flood-proofing.

The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

#### **203.5 OTHER PERMITS:**

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

#### **203.6 WATERCOURSES:**

- A. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands ~~Bureau Board~~ of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 483-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands ~~Bureau Board~~. In addition, construction within wetland areas requires notification of the Kingston Conservation Commission and the Planning Board.
- B. The applicant shall submit to the Building Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- C. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria requiring that all development located in Zone A and AE meet the following floodway requirement:

"No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge".

- D. Along watercourses that have not had a Regulatory Floodway designated or determined by a Federal, State or other source; no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone A and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### 203.7 SPECIAL FLOOD HAZARD AREAS:

- A. In special flood hazard areas the Building Inspector in conjunction with the Kingston Town Engineer shall determine the **100-year base** flood elevation in the following order of precedence according to the data available:
1. In zones A and AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
  2. In ~~unnumbered A-zones~~ **Zone A**, the Building Inspector shall obtain, review, and reasonably utilize any **100-year base** flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals). **Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.**
- B. The Building Inspector's **100-year base** flood elevation determination will be used as criteria for requiring in zones A and AE that:
1. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the **100-year base** flood elevation;
  2. that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the **100-year base** flood level; or together with attendant utility and sanitary facilities, shall:
    - a) be flood-proofed so that below the **100-year base** flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - c) be certified by a registered professional engineer or architect that the design and methods of construction

are in accordance with accepted standards of practice for meeting the provisions of this section;

3. recreational vehicles placed on sites within zones A and AE shall either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed, ~~on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have not permanently attached additions; and ready for highway use,~~ or (iii) meet all standards of ~~manufactured homes in this ordinance Section 60.3 (b).~~

~~(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for manufactured homes in paragraph (c) (6) of Section 60.3.~~

4. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
5. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two **flood** openings having a total net area of not less than one square inch for every square foot enclosed area subject to flooding shall be provided.

The bottom of all **flood** openings shall be no higher than one foot above grade. **Flood** openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

## **203.8 VARIANCES AND APPEALS**

- A. Any order, requirement, decision or determination of the building inspector or health officer made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, ~~I(b)~~, the applicant shall have the burden of showing in addition to the usual variance standards under state law:

	<ol style="list-style-type: none"> <li>1. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.</li> <li>2. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.</li> <li>3. that the variance is the minimum necessary, considering the flood hazard, to afford relief.</li> </ol> <p><b>C.</b> The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.</p> <p><b>D.</b> The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator."</p>	
	<b>MOTION made by Mr. Bashaw to move Article 203 to Public Hearing. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)</b>	

#	Article	
7	<b>Article 204: Innovative Zoning</b>	
	Amending <b>Article 204 Innovative Zoning</b> to be titled " <b>Conservation Open Space Zoning</b> "	
	<b>MOTION made by Mr. Coffin to move to Hearing Article 204 to change the name from Innovative Zoning to Conservation Open Space Zoning to December 5, 2023. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)</b>	

#	Article	
8	<b>Article 206 Accessory Dwelling Unit Ordinance</b>	
	<p><i>Mr. Bashaw mentioned that ADU's are only authorized if the owner of the property lives on the property in the house or the ADU.</i></p> <p>Amending Article 206 Accessory Dwelling Unit Ordinance Section 206.4. ADU Requirements, E. to read as follows:</p> <p>"E. The size of the ADU shall not be smaller than 600 square feet. <b>The maximum size of the ADU shall not exceed .49-49% of the size of the Gross Living Area, aka GLA</b> (heated or air-conditioned space), as defined in the Town's tax card, of the primary single-family dwelling. (Amended 03/08/22) <del>In the case where a home is smaller than 1800 square feet the ADU may be no larger than 600 square feet.</del></p> <p>Single family dwelling units that are smaller than 1,200 square feet are not permitted to create an accessory dwelling unit. The reason for this is that an accessory dwelling unit in a structure smaller than 1,200 square feet would be more than 50% of the size of the existing structure and no longer deemed to be accessory to the primary unit.</p> <p>Accessory dwelling units located in a detached structure shall comply with these same size requirements."</p>	
	<p><b>MOTION made by Mr. Bashaw to move this to Public Hearing with the editorial change of .49 to 49% and strike the last sentence of the first paragraph referring to the 1,800 SF. and 600 SF. items. Seconded by, Mr. Coffin. A vote was taken, All were in favor, the motion passed. (6-0-0)</b></p>	

#	Article	
9	<b>Article 301: Building and Building Lots</b>	
	<p><b>Article 301: Building and Building Lots Section 301.1 Lot Regulations</b></p> <p>Amending Article 301 Building and Building Lots Section 301.1 Lot Regulations B., by removing this section in its entirety.</p> <p><del>. "Every building lot shall have no more than one single family home or one two family dwelling thereon. The joining together of two separate structures of any kind for the purpose of having them meet the definition of a two-family home is prohibited. A two-family mobile home on a single chassis shall also be prohibited. (Adopted 3/04/1963; Amended 3/02/76, 3/11/80)"</del></p>	
	<p><b>MOTION made by Mr. Coffin to move to Hearing the deletion of Article 301.1.B. Seconded by, Mr. Bashaw. A vote was taken, All were in favor, the motion passed. (6-0-0)</b></p> <p><b>Article 301.1 Lot Regulations Section F.</b></p> <p>This language can be added as an <u>editorial</u> change if all the other HDC articles are voted in in March. <b>(Move this to April, 2024)</b></p> <p>"For properties in the Historic Districts, a Certificate of Approval is still required from the Historic District. Refer to sections 102.7.1 and 1201.10.E for further information."</p>	

#	Article	
10	<b>Article 304: Industrial Developments</b>	
	Amending <b>Article 304 Industrial Developments</b> , by removing this ordinance in its entirety.	
	<b>MOTION</b> made by Mr. Coffin to move to Hearing on December 5, 2023 the deletion of Article 304. Seconded by, Ms. Duguay. A vote was taken, All were in favor, the motion passed. (6-0-0)	

#	Article	
11	<b>Article 402: Recreational Campgrounds and Camping Parks</b>	
	<i>At the request of the BOS, Town Counsel drafted language for this ordinance that was provided tonight for the Board for review and comment for the next PB meeting.</i>	
	<i>The Board discussed requirements of campgrounds:</i> <ol style="list-style-type: none"> <li>1) <i>Minimum size is 10 Acres.</i></li> <li>2) <i>Campgrounds are currently located on RT. 125-Mill Brook and Country Shores.</i></li> <li>3) <i>Zones to allow campgrounds should be Rural Residential, C-1 and C-III.</i></li> </ol>	

