

KINGSTON PLANNING BOARD
DECEMBER 5, 2023
PUBLIC HEARING/MEETING
MINUTES

Ms. Duguay called the meeting to order at **6:49 PM**; there were no challenges to the legality of the meeting.

Ms. Duguay introduced the Planning Board ("PB" or "Board").

MEMBERS PRESENT:

Robin Duguay, Acting Chair	Steve Padfield
Chris Bashaw, BOS Representative	Rob Tersolo
Peter Coffin	

ABSENT: Lynne Merrill, Chair; Peter Bakie

ALSO PRESENT:

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

PUBLIC HEARING

Ms. Duguay opened the meeting explaining that the Board will be addressing a number of proposed zoning amendments for the Town ballot in March.

Zoning Ordinances for March 2024 Warrant Articles –
(SEE ADDENDUM FOR LANGUAGE FOR PROPOSED AMENDMENTS.)

Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS

1. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – "Family"

Proposal is to REMOVE the current definition of "Family" under section #13.

Ms. Duguay read the current definition of "Family".

Board comment(s):

Mr. Bashaw explained how this came about by saying that this definition is a direct contradiction of federally protected items that fell under the definition of "family". It was brought to the Board's attention that if we ever tried to implement or enforce this definition we would lose legally. There are several definitions of "family" that could be compiled, instead of coming up with comprehensive language. He noted that a glaring example is there are no provisions for the protections in the definition for foster children. There is a lot of ambiguity and felt it would be easier to remove a definition rather than trying to comply with a bunch of protected definitions at both the federal and state level.

Public comment(s):

Public comment opened at 7:40 PM.

Virginia Morse, 188 Main Street –

- Concerned about removing the definition of "Family" because the term "family" is used throughout the Town ordinances.

- Ms. Morse summarized a definition of “family” from the US Census bureau – “A group of two people or more related by birth, marriage or adoption who are residing together.” Since family is becoming more complex and difficult to classify and may want to use something as narrow as this.
- Ms. Morse asked who advised the Board to remove the definition of “Family”. She said that there should be some kind of definition.
- She said that the goal with the discussion with Historic District Commission (HDC) and the Planning Board is to get rid of ambiguity and be as clear as we can. Who is going to decide family when we look at our different ordinances.

Mr. Bashaw pointed out that a couple possible definition scenarios that the Board discussed and were run by the Town's Legal Counsel, Counsel said that the Town's current definition was indefensible. The Board started looking at different definitions; you may say use the US Census, someone else may say use the Housing Urban Development definition, someone else may say use the definition for other federally protected classes.

- Ms. Morse brought up that using a simple phrase that “*considers themselves family*” would work. Otherwise, if there is question, if there is a family in a residence according to different Town ordinances, who is going to say if it is or isn't a family.

Mr. Greenwood explained that they had this discussion with Counsel and the response was when you are faced with coming up with whether or not a unit serves as a family, you look at it independently each time. If it is an enforcement issue and wondering if it qualifies as a family, it is passing the straight face test. Otherwise what we run into is, or if you say *any other people joined together*, essentially the definition would say everybody.

- Ms. Morse asked who the decision maker is on whether a group of people living in a particular residence considers themselves family.

Mr. Bashaw commented that it is going to be one of those situations where an issue comes up, it is going to be a totality of circumstances for whoever the governing boards are at that time, the situation at the time, and can consult with the Town's Legal Counsel.

- Ms. Morse said that if you have a definition of “Family” that is fairly broad, that would never include everybody; then if you had specific examples that said what a “Family” is then a variance could be granted for that particular condition or that particular living situation. Otherwise it is totally arbitrary to whoever is sitting on the board.

Mr. Bashaw replied, so is a variance. A variance is dependent on a different board that seems to be on the board at that time.

- Ms. Morse stated that at least it gives some support for the Town using the word “Family” throughout the ordinances. It is a Planning Board decision, but we have tried very hard not to be subjective in our rulings. Without any word at all we are shooting ourselves in the foot worse than if there were no definition.

Mr. Coffin said that “family” is used throughout our ordinances. A perfect example is single family residential. The interpretation is one kitchen in a single-family living facility, basically one

101 habituating unit. If there are multiple kitchens, such as an accessory dwelling unit (ADU), that's
102 a separate living unit. Perhaps the definition of the terms should be referred to the living units-a
103 single family residential as has a single kitchen. Mr. Coffin explained that the Board heard
104 several legal definitions of all the inclusivity of what could be characterized as a "family"; the one
105 sentence "*persons living together*", many of equally broad definitions so people living in a
106 common unit not paying rent would be a single-family unit regardless of their legal marital
107 status.

- 108 • Ms. Morse read the full definition if US Census definition, "A family is two
109 people or more (one of who is the householder) related by birth, marriage, or
110 adoption and residing together." She mentioned this is a narrow definition.
111

112 Mr. Coffin agreed this was a narrow definition and would have the same issues as the current
113 ordinance.

- 114 • Ms. Morse stated that we should find some definition that is broad enough to
115 include many and narrow enough to support what we have for the Town
116 ordinances.
117

118 Ellen Faulconer, Kingston –

- 119 • Ms. Faulconer read a portion of a couple definitions under the in Preamble II,
120 Dwelling Unit, Single Family, "A detached building designed for or occupied
121 exclusively by a single family;"
- 122 • She said it is confusing for people trying to enforce these ordinances because
123 there is no definition of "Family". Maybe both the Dwelling Unit definitions
124 should be looked at too. There should be some definition of "Family". Possibly
125 one of the definitions used for the federal guidelines. Possibly a societal unit
126 compared to a traditional family unit.
127

128 Pam Brown, 23 Sunshine Dr. –

- 129 • Ms. Brown stated she is not for striking the definition of "Family" in the Town
130 ordinances.
- 131 • Suggested changing it to a "*number of persons living and cooking together as a*
132 *single housekeeping unit*", would include both definitions.
133

134 Susan Prescott, Little River Rd. -

- 135 • Ms. Prescott noted that because in our ordinances we refer to single-family
136 dwelling units. If we are referring to single-family dwelling units, multi-family
137 dwelling units, possibly future apartment buildings, if we don't have some
138 definition of "Family" we cannot use the word "family". We can't just erase the
139 definition of "Family" we need to come up with something.
140

141 Mr. Coffin mentioned that when the Board talked about this, using the term and not defining it
142 because it would be limiting people to meet the requirements. One term that came out was
143 *societal until, a single housekeeping unit*, this may be broad enough in what is being talked
144 about in terms of structure as opposed to trying to legislate.
145

146 Mr. Bashaw commented if people feel better about having a definition of "Family", a definition
147 that allows anything and not have a definition effectively is the same thing.
148

149 Mr. Tersolo mentioned what if we kept our definition and gave the governing boards the ability
150 to determine variances.

151
152 Mr. Coffin said that there are a lot of people that are operating under these living situations that
153 don't meet single family by our definitions. Why would they need to come and get the variances
154 at their expense and use board time to get variances to do something we are saying is allowed.
155 People have to get a Conditional Use Permit for certain types of ADU's, but only because we
156 want to make sure it looks like a single-family house. Other ones are done by right, if we
157 consider that 3 or 4 unrelated people living in a single household unit as a family by our
158 definition, then why should any group of people have to come and get a variance, if we are
159 saying it's permissible. Then requiring anything over two people to get a variance, it's
160 discriminatory.

161
162 Ellen Faulconer -

- 163 • She asked if Counsel could be contacted and if they know the definition they do
164 not like, there must be a federal definition that would work.

165
166 Mr. Bashaw said they really did not like any singular definition; they are all missing something.

- 167
168 • Ms. Faulconer commented that if the federal government uses it wouldn't it be
169 some sort of substantial language you could fall back on that could be vague
170 enough to be supported?

171
172 Mr. Bashaw said we did not task the Attorney to come up with a comprehensive definition
173 because we were led down the road, that to define it essentially sets you up for enforcement
174 that would be indefensible in court.

175
176 Mr. Greenwood spoke and noted the difficulty here is that there are definite things in the zoning
177 ordinances we regulate. We regulate what constitutes the safe health aspects of a home where
178 people live, by requiring that there be potable drinkable water and an adequate septic system.
179 In the State of NH that is an issue that is predicated on bedrooms. Regulating the concept of a
180 "family" is not really what a zoning ordinance should be doing. He said he understands the
181 argument that people have and we say the word "family" throughout the ordinances, and clearly
182 the definition that the Town currently has; the concept of family has morphed considerably than
183 40 years ago when this was written. Whether or not the regulations try to somehow pigeonhole
184 what a family is, is a failing proposition. This definition tries to limit it to adults. There is a
185 housing shortage; parents and adult kids and their spouses live together. There is no way to
186 really regulate for everything. What the zoning ordinance does is regulate for health, safety, and
187 welfare of the public. The Town does have requirements to cover them. This issue could be that
188 there are so many people living in one house, are they one family and this issue isn't whether
189 they are one family, the issue is can that house hold-that population for 40 people; we regulate
190 for this. This is the enforcement capability for the Town. A definition of "Family" is not going to
191 be an enforcement capability of the Town. We were all comfortable with this in 1970, but even in
192 1970's this didn't constitute a true definition for all the millions of families in the US. The issue is
193 what are zoning ordinances capable of doing and are not capable of doing. He commented that
194 he doesn't believe we are capable of regulating what a "family" is. We have other standards that
195 we use to ensure that health, safety, and welfare of the realm of the housing.

196
197 Virginia Morse, Kingston -

- 198 • Ms. Morse read a portion of the current definition of "Family". "Blood, adoption,
199 marriage, cooking together, but it is a number of persons not exceeding two
200 adults living and cooking together. As a single housekeeping unit shall be
201 deemed to constitute a family." Let's not say it's a legislative thing, let's not say

202 we are going to do a variance to see whether you are a family or not. Let's take
203 out "not exceeding two adults" then we have a definition, so that when you turn
204 the page and see a two-family dwelling, a single structure containing two distinct
205 dwelling units and other places that it says "Family", we have a definition as a
206 foundation.
207

208 Ms. Duguay stated that the issue is if we say "blood, adoption or marriage" that still leaves
209 people out that do not fall into these categories.
210

- 211 • Ms. Morse read from the current definition, "or a number of persons living and
212 cooking together in a single housekeeping unit shall be deemed to constitute a
213 family". This does not say you have to be married, blood related or anything else.
214 It just says people, remove the language the "not exceeding two adults", it can
215 be many children or adults. This would be a working definition that helps people
216 when they read through the ordinances and the definitions to have a foundation
217 for this.
218

219 Adam Faulconer –

- 220 • Mr. Faulconer said that the problem is we are defining "Family" in an archaic way
221 that does not gel anymore, that's housing discrimination issues. But the contra to
222 that is we don't want no definition when it is somebody clearly running a boarding
223 house. Could there be something like "*sharing expenses*" and not focus on what
224 a "family" is, but they "*all share expenses*" and they are not separate-they don't
225 have separate units to handle the apartment issue.
226

227 Mr. Bashaw said that is the proper thing that should be regulated, what is considered a single-
228 family dwelling unit, i.e., one kitchen, can't have a single-family home with three separate
229 kitchens in it, with three other people. He asked what zoning application is going to be
230 regulated? What are we going to prohibit from happening by defining "Family"; how adults co-
231 mingle within a situation? He explained that if there needs to be clearer definitions, a single-
232 family home consists of one kitchen, so it is not like separate apartments within the dwelling. In
233 the definition Ms. Morse provided for the definition of "Family", what will it permit or prevent
234 throughout the scope of zoning.
235

236 Mr. Tersolo mentioned that a single-family dwelling is defined, in many instances, as a dwelling
237 unit with one kitchen in real estate transactions. He said he is bothered about getting rid of the
238 word "Family". It comes up a lot in the regulations in the Town of Kingston. Without it we lose a
239 tool and if we need to make the definition arbitrary to the Board it allows us to keep the definition
240 and also allows for exceptions to them. It may take time to look into how often or in what context
241 "family" is used but doesn't agree with taking it completely out of our regulations. The
242 government, HUD, Health and Human Services have their own definition, and he doesn't see a
243 problem with the Town having a definition. Maybe we give the governing boards a little more
244 latitude to determine if there are exceptions. For us on the Planning Board we are looking for
245 some protection from someone showing up and saying there are 50 people living in a house
246 and it's a family. Using the Health and Humans Services guidelines as many people that are in
247 the household are considered a family. Taking the definition out, without looking into how it
248 might affect the regulations, by may be problematic and will open loopholes to certain Town
249 regulations.
250

251 Mr. Coffin said he agrees with Mr. Tersolo about the dwelling unit. He brought up that when this
252 came up as an issue before for a certain property, if the property was listed as a two-dwelling

unit--it was listed as a multi-family, and they had to get the variance because of this per Town Counsel. If it was listed as a two dwelling unit house/duplex, they would not have had to deal with the definition of "Family" and have to request a variance. A way to handle this may be to say a single family is a single dwelling unit and use the kitchen as a definition. A duplex is a two family unit and take out the ways we used "family" in the articles and not define "Family"; refer to them as dwelling units, define what you are calling a house or structure. We are using "family" as synonymous for dwelling unit, and not as a legal definition of a household, this would get around Planning issues because that is what we are concerned about. He said as Mr. Greenwood mentioned earlier, the number of adults that are allowed for the number of bedrooms, based on the number of bedrooms for the septic system and too many people living in a house, is still a single-family house but would we be creating based on the septic capacity, whatever else equals the health and welfare extrapolation. Do we want to create a limit based on size to the number of people (adults and children) that can live in a dwelling unit? Mr. Coffin mentioned that this issue came up in the 60's and 70's when families were living in old farm houses as communes, multiple unrelated adults and children, it was determined that the state and towns couldn't legislate against this type of living arrangement. Using the term dwelling units will help get around this.

Madelynn Oullette, 189 Main St. –

- Regarding the term "Family", she commented that the point of keeping a single-family zone, single family. Even though someone has only one kitchen, we do not want it to turn into a boarding house where someone could rent out every room. There needs to be some guidance on what a single-family unit is.

Public comment closed at 7:41 PM.

Board discussion:

Mr. Bashaw explained that the Board was not seeking out to redefine what a "family" is. However, the Board was tasked with addressing what has been flagged by Town Counsel and other legal entities what was considered problematic language for the Town. At the end of the day if the Town's people still want the definition or want to amend it before it goes out, he wanted everyone to understand that this wasn't them looking to redefine what a "family" is, but we were told that this language is problematic for the Town.

Mr. Tersolo asked if it has been a problem up to this point.

Mr. Bashaw replied, it has been. The bigger problem is the Town has a history of problematic selective enforcement so when the Town wanted to use this, there were so many examples of people that were technically in violation of the definition that existed and the Town sought action against them and when people claiming they were being singled out as some type of protected class that did not fall under this definition; and it will become more problematic.

Ms. Duguay said that when we think about the scope of the ordinances it isn't to define what a "Family" is, it is not the purpose of regulations and ordinances for this purpose. We get around that by regulating functionally what that house can sustain. If there is a definition that is so broad it could be 15-20 living people in a house, it still falls under the definition of "Family", and we have done nothing to rectify that. Ms. Duguay noted what is the difference between striking it versus having a definition that is all encompassing.

Mr. Tersolo mentioned that a trend in the real estate market that is out there now is, someone buying an 8-bedroom house and renting out the bedrooms. What protects that from happening in the Town's ordinances?

Mr. Greenwood said that under the thought process that you are renting 8 rooms it would be acting as a boarding house; you are not claiming to be a single-family residence, you are claiming to be a boarding house because you are asking for compensation on a room-by-room basis. Boarding houses are not allowed in single family residential zones.

- Ms. Morse asked a question about the procedure. If there is a public hearing as we are tonight and a citizen would like to change the wording of a warrant article the Planning Board is putting in, how would this be done? Can anyone beside the Planning Board change anything that is being reviewed tonight?

Mr. Coffin explained that a recommendation could be made to the Board that could possibly be incorporated. If there is any change to the wording as it appears tonight, it would have to go to another hearing. The Board could make a motion based on input from the public and if a majority of the Board agreed that is what they wanted to say, then it would be amended and moved to another hearing to discuss the amended warrant. Ms. Duguay said that the other action would be through a Citizen Petition Warrant Article. Mr. Bashaw said the motion would be made by the Board, but anyone from the public could make recommendations that the Board could consider taking.

- Ms. Morse commented that is how some change could be made on the agenda tonight, if a change is made that the change would have to come to public hearing.

Mr. Bashaw said, correct. He explained that the Board could move it to warrant or delay it because there are other articles that are going to need to come for a public hearing, so if the Board felt they wanted time it could be moved to the next public hearing to be discussed. Mr. Bashaw said that he does not recommend moving it to the warrant tonight and giving time to possibly reworking it. Before the next PB meeting (12/12/2023), the Board would have to decide on language to vote on at the public hearing on January 2, 2024.

- Ms. Faulconer came to the table and mentioned that this is not a good definition and should be changed and should be renoticed. Suggested, moving to remove the current definition, and come up with a new one for the next meeting. Recommended running it by the Town attorney, be as vague as possible but will help people figure out what they need to. She commented on the idea of determining it on the house itself and get the word family out completely. That seems to be what the issue is, no one wants to regulate "family", people want to know what a two-family house is; they know that 65 people do not make a family, they want some sort of guideline. It is the use of the house, whether single, duplex or multi-family.

Mr. Bashaw said that may be a better procedure. The Board to do a motion to remove the existing language and to do a new proposed definition for "Family" that would be acceptable to replace the current definition.

MOTION made by Mr. Bashaw to move Article Preamble II: Definitions to remove #13, the definition of "Family" to the ballot. Seconded by Mr. Coffin.
A vote was taken, all were in favor, the motion passed. 5-0-0

Board comments: Mr. Greenwood to draft a new proposed definition of "Family" for review at the next Planning Board meeting.

2. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – "Industrial Developments"
REMOVE #15, the existing language for definition of "Industrial Developments".

Ms. Duguay read the existing definition.

Board comment(s):

Mr. Coffin brought up that it doesn't really tell you what "Industrial Development" is and that it is a good removal.

Public comment(s):

Public comment opened and closed at 7:41 PM. There was no public comment.

Board discussion: There was no further discussion by the Board.

MOTION made by Mr. Coffin to move Article Preamble II: Definitions to remove #15, the definition of "Industrial Development" to the ballot. Seconded by Mr. Padfield. A vote was taken, all were in favor, the motion passed. 5-0-0

3. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – "Industrial"
ADD an entirely new definition for "Industrial".

Ms. Duguay read the proposed new definition of "Industrial".

Board comment(s):

Mr. Coffin commented that when defining the word "Industrial" you wouldn't normally use the word that you are defining in the definition. This defines the Industrial District, and this is more about the intent and the purpose of the Industrial District, this should be under the *purpose* of the Industrial District. He mentioned this was a good paragraph for the *purpose* of the Industrial District. This is defining the "Industrial district", as opposed to defining the word "Industrial". He brought up using the definition of Industrial that is in Webster's Dictionary.

Mr. Bashaw explained that the reason that the language relates to intent and purpose is because without it your making lists of prohibited and permitted uses of industrial and that including the intent of what is to be considered "Industrial" allows some subjectivity before the Board. For example, it is manufacturing of goods and someone comes in and says they manufacture goods and doing a commercial grade explosives plant you could go back to them and say no that doesn't fit our definition of Industrial because it is not beneficial or promote the health and general well-being of the Town, and believes this is why that language is incorporated in there. He said, Mr. Greenwood may have more to add.

Mr. Greenwood said that it does explain industrial uses in the 3rd paragraph.

Mr. Coffin said it does, it describes what the Industrial District allows. He gave an example of proposed language for the definition of "Industrial". Industrial definition incorporates

“manufacturing, fabrication, assembly processing, storage, and distribution uses, as well as associated research and administration uses.” The rest of the language could be in the purpose section. Or change the definition of “Industrial” to “Industrial District”. The paragraph isn’t really a definition of “Industrial”, it’s very good and does incorporate the definition of “Industrial”. The language could be reformatted to show the definition of Industrial as follows - **“Industrial allows manufacturing, fabrication, assembly, processing, storage, and distribution use, as well as associated research and administration uses.**, then use the rest of the language for the purpose section (very first paragraph of the ordinance) because this resolves ambiguity – **It is 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.”

Mr. Coffin further explained that when you look at a Conditional Use Permit you look up to see what the purpose of the article is. For example, you look up if it is consistent with what the purpose is of the ordinance.

Mr. Greenwood said that if we want to accomplish a definition of “Industrial” we only use the beginning part and do not mention the purposes. He noted that we do have an Industrial Zone description that pretty much mirrors this. The definition for “Industrial” could be, “Industrial allows (or refers to) manufacturing, fabrication, assembly, processing, storage, and distribution use, as well as associated research and administration uses.” This would be a standalone definition in the Definitions section (Preamble II), and also include the language- “This also includes those permitted uses listed in Article 107.” Mr. Greenwood explained that the industrial uses do go further than what this statement is because hotels and motels are allowed in the Industrial Zone, and they do not constitute industrial.

Mr. Coffin mentioned that just because they are permitted in the Industrial Zone does not mean they are “industrial”. This would be the industrial zone permitting other than industrial uses, but you wouldn’t put those uses in the definition of “Industrial”.

Mr. Greenwood said with that being the case, this should get forwarded as amended and would have to be on the public hearing on January 2, 2024.

Public comment(s):

Public comment opened at 7:50 PM.

Ellen Faulconer –

- Ms. Faulconer questioned why this would be needed because the Industrial Zone says what is in the zone and what is allowed in the zone. We don’t define Commercial or Residential. “Industrial Development” was put in a long time ago before the Town had Commercial Zone and the “uses” are listed in the zone.
- Mentioned that the language is great to add to the *purpose section* of the Industrial Zone.

452 Evy Nathan, Conservation Commission –

- 453 • She referred to the statement “other aspects of the general welfare” was a vague
454 statement and wondered if it could be used in a wrong way. The wording “protect
455 industry from the influences of other land uses” seems backwards and she didn’t
456 see that this was necessary.

457
458 Public comment closed at 7:45 PM.

459
460 Board discussion:

461 Mr. Coffin said that the reason this was being put in here was because we were taking out the
462 definition of “Industrial Developments” and as Ms. Faulconer mentioned these date back before
463 there was a Commercial Zone. He agrees with Ms. Faulconer that the uses permitted in every
464 zone are listed. It doesn’t matter if you define “Industrial” if the uses as stated are left in as
465 mentioned earlier, if these are stated in the definition of the zone, then you are defining what the
466 Industrial Zone is without having to define the word industry. The Industrial Zone can include
467 hotels and motels even though they are not industrial, otherwise you have to reword the
468 permitted uses to say, industrial uses, such as-then in addition to industrial uses the following
469 uses are permitted. If you have a definition of “Industrial” you have to separate the non-industrial
470 uses out.

471
472 Mr. Greenwood noted that there are a number of definitions in the Definition section that seem
473 to follow the Industrial, like wholesale establishments definitions, which are typically allowed in
474 industrial districts, but we went out of our way to describe them. He stated that there isn’t an
475 inadequacy with the zoning ordinance if we don’t have Industrial zone defined, because there is
476 a definition for what is permitted in the Industrial district. He commented that this is a decision
477 for the Board to make on whether they want to have one or not.

478
479 Mr. Coffin mentioned that this should possibly be reworked. The purpose and intent section in
480 the Industrial Zone ordinance should have all the terms mentioned in this language. Just
481 because we are taking out the definition of “Industrial Developments” doesn’t mean we have to
482 define “Industrial”, since what is being is allowed is already in the Industrial Zone ordinance.

483
484 Mr. Bashaw brought up whether this should be handled at the next meeting to give more time to
485 think it over.

486
487 **MOTION made by Mr. Coffin to continue Article Preamble II: Definitions “Industrial” to the**
488 **next meeting for revisions. Seconded by Mr. Padfield.**
489 **A vote was taken, all were in favor, the motion passed. 5-0-0**

490
491 **4. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – “Mobile Home”**
492 REMOVE #18, the existing definition of “Mobile Home or House Trailer and REPLACE with a
493 new definition for “Mobile & Manufactured Home” per NH RSA 674:31.

494
495 Ms. Duguay read the proposed language.

496
497 **Board comment(s):**

498 Mr. Coffin noted that this gets us in line with the state definitions.

499
500 **Public comment(s):**

501 Public comment opened and closed at 8:01 PM. There was no public comment.

Board discussion: No further discussion by the Board.

MOTION made by Mr. Coffin to move Article Preamble II: Definitions by removing the existing language for the definition of #18 "Mobile Homes or House Trailer" and replacing it with the definition for "Mobile Home or Manufactured Home" as defined in NH RSA 674:31 to the ballot. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

5. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – "Presite Built Housing"
ADD entirely new definition for "Presite Built Housing" per RSA 674:31-a.

Ms. Duguay read the proposed language to add a new definition.

Board comment(s): None

Public comment(s):

Public comment opened and closed at 8:04 PM. There was no public comment.

Board discussion: Mr. Coffin mentioned adding NH before RSA because not everyone knows what RSA stands for. The Board agreed. NH will be inserted before RSA as an editorial change in these amendments.

MOTION made by Mr. Coffin to move Article Preamble II: Definitions to add an entirely new definition for "Presite Built Housing" as defined in NH RSA 674:31-a. to the ballot. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

Article 102: HISTORIC DISTRICT

6. Article 102: HISTORIC DISTRICT, Section 102.2 HISTORIC DISTRICT I
AMEND Article **102 Historic District, Section 102.2 Historic District I** to ADD the word "former" and Tax Map and Lot number reference (Tax Map R34-17) to paragraph 1 to describe former Sanborn Regional High School property.

Ms. Duguay read the language under this section with the proposed amendments.

Board comment(s): None

Public comment(s):

Public comment opened and closed at 8:08 PM. There was no public comment.

Board discussion: None

MOTION made by Mr. Coffin to move Article **102 Historic District, Section 102.2 Historic District I** to the ballot as amended. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

Mr. Bashaw made note for public purposes that many of the Historic District articles were brought forward by the HDC and were discussed in a joint meeting with the Planning Board and the HDC to get a consensus from both boards for presenting this.

7. **Article 102: HISTORIC DISTRICT, Section 102.4 MOBILE HOMES**
AMEND Section 102.4 Mobile Homes.

Ms. Duguay read this section with the proposed amendments.

Board comment(s): None

Public comment(s):

Public comment opened and closed at 8:10 PM. There was no public comment.

Board discussion: None

MOTION made by Mr. Coffin to move Article 102 Historic District, Section 102.4 Mobile Homes and Manufactured Homes to the ballot as amended. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

8. **Article 102: HISTORIC DISTRICT, USES, A. HISTORIC DISTRICT I, 2. –** *(This article was not discussed or voted on during the public hearing. It is noted here as a placeholder reference. See pg. 27 for Board discussion on this.)*

9. **Article 102: HISTORIC DISTRICT, Section 102.5 DESCRIPTION AND PERMITTED USES, B. HISTORIC DISTRICT II**

AMEND Article 102 Historic District, Section 102.5 Description and Permitted Uses, B. Historic District II to REMOVE the existing 2nd sentence, and REPLACE it with the new proposed language.

Ms. Duguay read this section.

Board comment(s): None

Public comment(s):

Public comment opened and closed at 8:12 PM. There was no public comment.

Board discussion: None

MOTION made by Mr. Coffin to move Article 102 Historic District, Section 102.5 Description and Permitted Uses, B. Historic District II to the ballot as amended. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

10. **Article 102: HISTORIC DISTRICT, Section 102.7.1 SHEDS AND OUT BUILDINGS**
ADD entirely new section, Article 102 Historic District, Section 102.7.1 SHEDS AND OUT BUILDINGS.

Ms. Duguay read the new proposed language.

Board comment(s): None

Public comment(s):

Public comment opened at 8:14 PM.

Ellen Faulconer –

- Ms. Faulconer questioned why certain things are being called out when we know things have passed but certain things change sometime. She suggested language, “Within the district all structures require a Certificate of Approval from the HDC. Because if next year something changes with the setbacks or needing a Town building permit, this may have to be revised. We already know they do not need a building permit (under building permits), the issue with the HDC is whether you need a Certificate of Approval. In the district they require a Certificate of Approval regardless of what the setback may be.

Mr. Bashaw mentioned that because a Citizen Petition Warrant Article went out and passed, people may read this and feel it supersedes the language in there that didn't specifically reference, yes, we understand you need an exemption now, but you still need a Certificate of Approval for HDC. This is why this was requested like this, so people wouldn't say, “no” I don't need to go through that because I don't need a permit anymore.

Madelynn Ouellette, 189 Main St. –

- Ms. Ouellette mentioned that a Certificate of Approval is required now, but how do you make it clear that a Certificate is needed in this circumstance.

Mr. Greenwood commented that the goal of the amendments is to increase clarity to help someone understand the HDC ordinances.

- Ms. Ouellette said that the whole reason for adding this was to make it clearer to applicants.

Mr. Coffin spoke and said in the past people would go to the building inspector to get a building permit and then told they had to go to the HDC to also get approval from them. In this instance they do not have to. Someone may not be aware they still need to obtain a Certificate of Approval through the HDC.

- Ms. Ouellette asked if this is something the Town has to vote on. Because this is true today.

Mr. Greenwood said that removing the desire to clarify the impact of the former vote, you would put this in, so people understand that if they look at this, they still have to go to the HDC. However, if you read the present HDC standards they say that all construction requires HDC approval.

- Ms. Ouellette brought up the idea of sending a letter to all HDC residents to inform them of this. This is already in place, this is already required, so it doesn't need to go for a vote. We could strike the whole thing because it is already true today.

Public comment closed at 8:21 PM.

Board discussion: No further discussion.

MOTION made by Mr. Bashaw to NOT move Article 102 Historic District, entirely new Section 102.7.1 Sheds and Out Buildings to the ballot. Seconded by Mr. Coffin. A vote was taken, all were in favor, the motion passed. 5-0-0

11. Article 102: HISTORIC DISTRICT, Section 102.8 PROCEDURE; and Section 102.8.C.
AMEND Article 102 Historic District, Section 102.8 Procedure and Section 102.8.C. to make the following **editorial** changes and REPLACE the word "**receipt**" with "**filing**" in the 1st paragraph. ADD new language to letter C. to include "**the building inspector**".
Ms. Duguay read the proposed language.

Ms. Duguay read the proposed language.

Board comment(s): None

Public comment(s):

Public comment opened at 8:25 PM.

Ellen Faulconer –

- Ms. Faulconer commented that for the HDC it might be prudent to put in a decision in 45 days from the filing of a completed application versus filing the application. Sometimes an application is received that is not complete.

Mr. Bashaw explained that it was changed to "filing" because the definition of "filing" references completeness as opposed to just receipt of it because we want to protect the applicant from just that.

- Ms. Faulconer said if that is the definition of "filing" then that would take care of it, but that was her concern.

Public comment closed at 8:26 PM.

Board discussion: No further discussion.

MOTION made by Mr. Bashaw to approve the **editorial changes for Article 102 Historic District, Section 102.8 Procedure and Section 102.8.C to be incorporated in the ordinance after the March 2024 Town vote has taken place.**

Move the following proposed amendments for Article 102.8 to the ballot as amended. Seconded by Mr. Coffin.

A vote was taken, all were in favor, the motion passed. 5-0-0

EDITORIAL CHANGE: Article 102: HISTORIC DISTRICT, Section 102.8.1 PUBLIC HEARINGS

ADDING a new section number because of the duplicate section # found in this Article- Article 102: HISTORIC DISTRICT, Section 102.8.1 PUBLIC HEARINGS.

MOTION made by Mr. Coffin to approve the **editorial change for Article 102 Historic District, Section 102.8. Public Hearings to change it to be a new Section 102.8.1 to differentiate it from 102.8 Procedure. The change will be made after the March 2024 Town vote. Seconded by Mr. Padfield.**

A vote was taken, all were in favor, the motion passed. 5-0-0

701 **12. Article 102: HISTORIC DISTRICT, Section102.9 GUIDELINES**

702 AMEND Article 102 Historic District, Section102.9 Guidelines.

703
704 Ms. Duguay read the proposed amended language.

705
706 **Board comment(s):** None

707
708 **Public comment(s):**

709 Public comment opened at 8:34 PM.

710
711 Ellen Faulconer –

- 712 • Wanted to confirm the color references in the document. Red are proposed
- 713 amendments that will be on the ballot. Purple and blue is language that is
- 714 being moved from another section in the ordinance. (This is correct.)

715
716 Public comment closed at 8:34 PM.

717
718 Board discussion: None

719
720 **MOTION made by Mr. Coffin to move the Article 102 Historic District, Section102.9**
721 **Guidelines to the ballot as amended. Seconded by Mr. Padfield.**
722 **A vote was taken, all were in favor, the motion passed. 5-0-0**

723
724 **13. Article 102: HISTORIC DISTRICT, Section102.10 DENIAL AND APPEAL**

725 AMEND Article 102 Historic District Section102.10 DENIAL AND APPEAL to ADD “the Building

726 Inspector” to paragraph one. And MOVE language currently found in Section 102.9 to be a new

727 paragraph at the end of this section.

728
729 Ms. Duguay read the proposed language.

730
731 **Board comment(s):** None

732
733 **Public comment(s):**

734 Public comment opened and closed at 8:35 PM. There was none.

735
736 Board discussion: None

737
738 **MOTION made by Mr. Bashaw to move the Article 102 Historic District, Section102.10 Denial**
739 **and Appeal to the ballot as amended. Seconded by Mr. Coffin.**
740 **A vote was taken, all were in favor, the motion passed. 5-0-0**

741
742 **14. Article 102: HISTORIC DISTRICT, Section 102.12 PRE-EXISTING USE**

743 AMEND Article 102 Historic District by ADDING an entirely new Section102.12 Pre-Existing Use.

744
745 Ms. Duguay read the proposed language.

746
747 **Board comment(s):** None

748
749 **Public comment(s):**

750 Public comment opened and closed at 8:36 PM. There was none.

Board discussion: None

MOTION made by Mr. Coffin to move Article 102 Historic District, entirely new Section 102.12 Pre-Existing Use to the ballot. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

15. Article 102: HISTORIC DISTRICT, Section 102.13 CONFLICTS

AMEND Article 102 Historic District by ADDING an entirely new Section 102.13 Conflicts

Ms. Duguay read the proposed language.

Board comment(s): None

Public comment(s):

Public comment opened at 8:37 PM.

Virginia Morse –

- Ms. Morse suggested adding a subject heading for this section to be consistent with our wording and questioned what must comply with all the Town of Kingston ordinances.

Mr. Greenwood explained this is a broad statement and refers to the overall ordinance. This is making the HD comply with what is already in the other districts.

- Ms. Morse clarified that it means that this *ordinance* must comply.

Mr. Greenwood said correct and that is how it shows up in the other ordinances.

Board discussion: The Board discussed taking this up as an editorial change later.

MOTION made by Mr. Coffin to move Article 102 Historic District, entirely new Section 102.13 Conflicts to the ballot as amended by adding the term “*The ordinance*” in front of the amended article. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

EDITORIAL CHANGES. Article 102 HISTORIC DISTRICT, 103 SINGLE FAMILY RESIDENTIAL DISTRICT, 105 SINGLE FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT ADD SET BACKS to Articles 102, 103 and 105. *This language is from Article 301 and is being added to the residential districts.*

MOTION made by Mr. Coffin to approve that all *editorial* changes be made after the March 2024 Town meeting. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

Article 109: COMMERCIAL ZONE C-II

16. Article 109: COMMERCIAL ZONE C-II, Section 109.7 SPECIAL EXCEPTIONS

AMENDING Article 109 Commercial Zone C-II, Section 109.7 Special Exceptions by REPLACING Special Exceptions (handled by the Zoning Board of Adjustments) with a Conditional Use Permit (handled by the Planning Board).

Ms. Duguay read the proposed language.

Board comment(s): None

Public comment(s):

Public comment opened at 8:47 PM.

Ellen Faulconer –

- She agrees with part of it and part of it is inappropriate. If the Town has voted in the ordinance to prohibit something, then that needs to go to the ZBA. If something is not specifically prohibited, but also not specifically permitted then that is a drain on the applicant to have to go the ZBA on something that isn't part of the list. This is reasonable. If the Town has voted to prohibit something that should still remain as a special exception or variance, that is what the ZBA is here for.

Mr. Greenwood read the statement, “not specifically permitted or prohibited”, the zoning ordinance specifically permits things and specifically prohibits things. The ordinance says, if a proposed business, “not specifically permitted or prohibited”. The ordinance gives you these uses. This isn't allowing the Planning Board to act on something that is prohibited.

- Ms. Faulconer said this sentence needs to be clarified. She agreed with what Mr. Greenwood said, but she is not reading it that way. If the intent is to be neither specifically nor specifically prohibited that is clear.

Mr. Coffin said he can understand how it might be misread. This has been the wording for special exception for a long time and from what he knows has never been misread. Mr. Coffin said the wording on the Conditional Use Permits is the same as the special exception, with the exception of the change to property values to properties which gives the ability to change any effect on the property vs just the values.

Mr. Greenwood clarified with the Board that the language change would be “not specifically permitted or not specifically prohibited.” The Board agreed. *This is not a substantive change and would be considered an editorial change.*

- Ms. Faulconer brought up the change in language from “property values to “properties”. She understands what the intent is because she saw the meeting. She would like a discussion from the Board that taking the words “property values” and changing it to “properties” in no way means that values are no longer part of it. She said that people in the past have said, well they removed values, so it doesn't mean that anymore. She asked that the minutes for this hearing reflect that the Board's intent is not to take away part of an unreasonable impact that may be property value.

Mr. Coffin said that this appears in a lot of different towns and throughout the state, the impact of property values. It was not his intent when this change was made, the Board discussed it and it broadened it. Property values are definitely an impact on properties.

Public comment closed at 8:55 PM.

Board discussion: None

MOTION made by Mr. Coffin to move **Article 109 Commercial Zone C-II, Section 109.7 Amend Special Exceptions to be a Conditional Use Permit to the ballot as with the addition of the term “not specifically” prohibited following not specifically permitted. Seconded by Mr. Bashaw.**

A vote was taken, all were in favor, the motion passed. 5-0-0

Board comments: To clarify the change of striking the language “property values” does not exclude property values from the current impact to the value of properties.

Article 110: COMMERCIAL ZONE C-III

17. Article 110: COMMERCIAL ZONE C-III, Section 110.3 PERMITTED USES, K.

AMEND Article 110 Commercial District III, Section 110.3.K, by ADDING new language.

Ms. Duguay read the proposed language.

Board comment(s): None

Public comment(s):

Public comment opened at 8:57 PM.

Ellen Faulconer –

- Ms. Faulconer said she did watch the meeting and asked that the Board put this off for a year. During a discussion it first came up that this was to clarify the previous language. The previous language has been clarified for decades, Town Counsel reclarified that it is very clear what it means. This is not a clarification; this is a change. While she understands some of the reasons for the change, the Board has not looked into this enough to find out what the impact may or may not be and why. There is a lot in the language that is not clear. For example, what is the Board using as guidelines to determine “proposed use, constitute uses that require the 1,000-foot separation”. This is too vague. She mentioned that Mr. Coffin came up with the idea that one of the reasons why the 1,000 feet was initially enacted was due to the impact of having so many in a row and the density and he suggested that perhaps the use could be spread out to the other two commercial zones. Therefore, it would allow these uses to be spread out throughout Town. No one has looked into this to find out if this is viable or not viable. The reason why the Town initially set up to have used cars in this particular zone is because they were there already and that way they wouldn’t be non-conforming uses. So rather than spread them around Town we’ll keep them in that end of Town and put in the 1,000-foot restriction. She said she agrees with Mr. Bashaw’s statement that there should be other types of restrictions on how these things are built and he suggested that this could be taken care of next year. She agrees with this.
- Get the things you want done in place and work through it for this year. Make sure it is looked at so it doesn’t negatively impact the Town.
- She suggested that the restriction could be based on building size vs just vehicle facilities that move in along RT. 125 that have no legitimate

- 902 tax impact to people. It doesn't bring in business or provide jobs for
903 people and doesn't support the commercial zone to begin with.
904 • More work needs to be done on this to make it a better change, suggest
905 waiting a year and be more specific on this.
906

907 Mr. Greenwood said that his concern to Ms. Faulconer's comments is it says, the 1,000-
908 foot separation applies to like businesses. If you are talking about a car dealership and a
909 refrigerated truck business within 1,000 feet away, those businesses are not like
910 businesses. The Planning Board is capable of making the decision that these businesses
911 are not like businesses. They do not cater to the same buyer; they don't sell the same
912 equipment. This was the entire premise of the discussion revolving around what the issue
913 was with the existing language.
914

915 Mr. Bashaw said it was not just the clarification, the appetite has changed, people are
916 always asking why businesses are not coming to Town. The way this is currently written is
917 if someone wants to sell agricultural tractors within a 1,000 feet of a used car dealership
918 they cannot the way it is currently written. This would allow for there to be the determination
919 that they may not be considered similar businesses. Heavy truck is clearly defined through
920 state RSA. This ordinance is too restrictive and needs to allow for a little more flexibility.
921

922 Mr. Coffin brought up that if we are trying to be more business friendly, why are we not
923 opening this up in the other commercial zones, why are we prohibiting vehicle sales in the
924 other commercial zones.
925

926 Mr. Greenwood stated that we have different uses in different zones. Mr. Coffin said the
927 reason why we get so many of these requests is, for something that is *neither specifically*
928 *permitted or specifically prohibited* is because when these zones were made, we looked
929 around and saw what businesses were already there and they were listed as permitted
930 uses. That is why there is the article for the Conditional Use permit (CUP) to cover those
931 types of businesses that are neither permitted nor prohibited. He said that it wasn't that the
932 Planning Board didn't definitely want auto sales in C-I and C-II, it is just that those
933 businesses were not in those zones.
934

935 Mr. Bashaw said that when this ordinance was crafted from what he read back on it, they
936 didn't want it to be the auto mile of Kingston and car dealerships through every zone, so
937 they exist down here and we'd like them to continue but allow separation in between them
938 so it doesn't become straight used car lots on that whole southern part of route 125.
939

940 Mr. Coffin noted that in order to increase the ability without increasing the density why not
941 open up to the other commercial zones.
942

943 Mr. Greenwood said that we never have talked about that as a Board.
944

- 945 • Ms. Faulconer said that there are ways to develop these kinds of things, and
946 that maybe there's the possibility that these go in C-I and C-II. The Board
947 hasn't talked about the other possibilities. When this was opened up, it was
948 that anytime something was sold, it became a car lot which becomes an
949 issue. Part of it was not only that it was a car lot, but it was also the visual.
950 • If what the Board was looking for is a better tax impact, more employees, it
951 can't be we just open up the use that has been closed for a long time. The
952 Town didn't want to see vehicles all along RT. 125. Just because it is the

953 southern part of Town doesn't mean it shouldn't be looked at to see if car
954 sales, etc. should be permitted in the other commercial districts,
955 • More work should be done to what's been around a long time to protect how
956 Kingston presents itself.

957
958 Pam Brown, Kingston –

959 • Wondering about the existing businesses heading south on RT. 125 past
960 Landscapers Depot, it's a cluster of auto repair places. The owner of
961 Kingston Foreign Auto was present in the audience earlier and he had to
962 leave, but he wanted to ask if you go to that particular area would they be
963 exempt from this?

964
965 Mr. Bashaw and Mr. Coffin said they would be preexisting.

966
967 Public comment closed at 9:20 PM.

968
969 Board discussion: Mr. Tersolo said that the goal was like businesses being 1,000 feet apart.
970 His concern is he doesn't want to see a cluster of storage units put in. Mr. Coffin said that
971 this doesn't protect from the storage units because that is not listed. Mr. Bashaw said that
972 someone could buy there now and put storage units all along the south end of Town.

973
974 Ms. Duguay asked the Board to acknowledge Ms. Faulconer's concerns, what is the risk of
975 waiting to do this, what is the impact of waiting a year? We know there was one proposal
976 that did not move forward because of the advice from Counsel relative to this.

977
978 Mr. Greenwood said that we do not know how to judge this and that we do not know how
979 many people looked at this site and said they cannot go there because they fall into one of
980 these uses. So, there is no way of saying how, what is the impact, what is the immediate
981 harm, he'd say no there is not. He mentioned that Ms. Merrill might say there is immediate
982 harm because she has had people tell her that they are going elsewhere. He doesn't see
983 this because it doesn't make it to Planning.

984
985 Mr. Coffin commented that it does give us a chance to develop the things we had discussed
986 about improving things. Mr. Bashaw added like LePage Auto has done in doing a good job
987 with landscaping.

988
989 Mr. Bashaw said that he would like to put this to the voters and if they are not comfortable
990 with it they can vote it down, if they are comfortable, they can vote in favor of it.

991
992 **MOTION made by Mr. Bashaw to move Article 110 Commercial Zone C-III, Section 110.3**
993 **Permitted Uses, K. to the ballot as amended. Seconded by Mr. Tersolo.**
994 **A vote was taken, 3 were in favor, Mr. Coffin and Ms. Duguay opposed, the motion passed.**
995 **3-2-0**

996
997
998
999
1000
1001 **18. Article 110: COMMERCIAL ZONE C-III, Section 110.3 PERMITTED USES, O. – (move**
1002 **to 1/2/2024 public hearing)**

AMEND Article 110 Commercial District III, Section 110.3 Permitted Uses, O. by ADDING
"Warehouses".

MOTION made by Mr. Bashaw to move to continue Article 110 Commercial Zone C-III, Section 110.3 Permitted Uses, O. to the January 2, 2024 public hearing to notice to the public. Seconded by Mr. Coffin.
A vote was taken, all were in favor, the motion passed. 5-0-0

19. Article 110: COMMERCIAL ZONE C-III, Section 110.5 SPECIAL EXCEPTIONS

AMEND Article 110 Commercial Zone C-III Section 110.5 Special Exceptions by REPLACING Special Exceptions (handled by the Zoning Board of Adjustments) with a Conditional Use Permit (handled by the Planning Board).

Ms. Duguay noted that this is the same language that was read previously for C-II, Article 109.7.

Board comment(s): None

Public comment(s):

Public comment opened and closed public comment at 9:24 PM.

Board discussion: Mr. Coffin mentioned changing the language to "not specifically permitted and not specifically prohibited" as was done for C-II, Article 109.7.

MOTION made by Mr. Coffin to move Article 110 Commercial Zone C-III, Section 110.5 amending Special Exceptions to be a Conditional Use Permit to the ballot as with the addition of the term "*not specifically*" prohibited following not specifically permitted as it has been amended here. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

Board comments: To clarify that the removing of the language of "property values" does not necessarily remove the intent of property values from being included with properties.

20. Article 110: COMMERCIAL ZONE C-III, Section 110.6 Lot Regulations, B. Setbacks, 1.b.

AMEND Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, 1.b. to remove the word "~~zone~~" and change it to "**use**"

Ms. Duguay read the proposed language.

Board comment(s):

Mr. Bashaw explained to clarify for folks, is that if you have a preexisting residential use within the boundaries of the commercial zone that the buffer requirement that is applied to the residential "use". The way it was currently written they wouldn't have to have the commercial residential buffers, unless that home was on the edge of the residential "zone" and attached to that. This is to protect any potential residences that could be fully surrounded within that commercial "use" to be able to get the same buffer protections as a residential "zone".

Mr. Coffin noted that this is also so that all three commercial zones have the same wording for setbacks.

Public comment(s):

Public comment opened and closed at 9:25 PM. There was no public comment.

Board discussion: None

MOTION made by Mr. Bashaw to move Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, 1.b. to the ballot as amended. Seconded by Mr. Coffin.
A vote was taken, all were in favor, the motion passed. 5-0-0

21. Article 110: COMMERCIAL ZONE C-III, Section 110.6 LOT REGULATIONS, B. Setbacks, 1.c.

AMEND Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, c. to change "25" to "30" feet.

Ms. Duguay read the proposed language.

Board comment(s): Ms. Duguay mentioned that this was amended to keep it consistent with what is in the other commercial zones.

Public comment(s):

Public comment opened and closed at 9:27 PM. There was no public comment.

Board discussion: None

MOTION made by Mr. Coffin to move Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, 1.c. to the ballot as amended. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

Article 203: KINGSTON FLOOD PLAIN DEVELOPMENT ORDINANCE

22. Article 203: KINGSTON FLOOD PLAIN DEVELOPMENT ORDINANCE

AMEND the following sections of Article 203 Kingston Flood Plain Development Ordinance.

Ms. Duguay began reading the proposed language. Mr. Greenwood spoke and explained to the audience that these changes are required by FEMA, by the Federal Government to the National Flood Insurance Program ordinance that the Town has adopted. If the Town doesn't adopt these, the Town loses its allowance to be in the program. People in Town purchase their insurance through the National Flood Insurance Program. Mr. Greenwood stated that we have no opportunity to not do this, but it does have to go to Town meeting vote, so we have to make the information available, and it has been. He asked the audience and the Board if there is no disagreement from anyone, these are the changes that we have to make and we are going to put them on the ballot.

Ms. Duguay asked the audience if there was anyone that had objections or comments on this.

Board comment(s): None

Public comment(s):

Public comment opened and closed at 9:37 PM.

Board discussion: None

MOTION made by Mr. Bashaw to move Article 203 Kingston Flood Plain Development Ordinance to the ballot as amended and as provided on the documentation for those presented and posted online. Seconded by Mr. Padfield

A vote was taken, all were in favor, the motion passed. 5-0-0

Board discussion: Mr. Coffin asked Mr. Greenwood or Ms. Faulconer, as the Moderator, is there any way to put comments on the ballot that these are required in the Flood Insurance Program from the Federal Government. Mr. Bashaw said they can't legally put in on the ballot, it can be put out as a letter and an editorial urging people but as we've shown in the past, we can't force people to participate in government before going to the booth. Mr. Coffin said he understands that, but usually warrant articles have a brief explanation of what they are doing. Mr. Greenwood commented that he thought that we stopped doing this. Mr. Greenwood said that there would be that opportunity other than the posted we could have this say that these five pages of amendments are required to remain in the National Flood Insurance Program. This could be posted at the voting site. Mr. Greenwood noted that it is not a bad thing to do public relations before the Town meeting saying that the Town will be eliminated from the National Flood Insurance Program if these amendments are not accepted. This can certainly be posted on the website. Mr. Coffin raised the question, could it read something like to amend the articles to comply with requirements of the National Flood Insurance Program. **Ms. Duguay said that we should discuss this at the next meeting on what PR would look like for this.**

Ms. Faulconer came to the table and said there is language in the beginning that talks about this being important, will that be on the ballot? Mr. Greenwood replied, it will just be the ballot questions-"are you in favor of" and then the list of the areas in the ordinance that are amended. Ms. Faulconer asked if the first section could possibly be amended to include more language on why this is being amended. **Mr. Bashaw suggested saying "amending the following sections of Article 203 Kingston Flood Plain Development Ordinance to remain in compliance with flood plain"... Mr. Greenwood said this could be part of the construction of the ballot question.**

Article 204: INNOVATIVE ZONING

23. Article 204: INNOVATIVE ZONING

AMEND Article 204 Innovative Zoning to be renamed to "Conservation Open Space Zoning."

Ms. Duguay read the proposed new name for this article.

Board comment(s): None

Public comment(s):

Public comment opened and closed at 9:40 PM. There was no public comment.

Board discussion: None

MOTION made by Mr. Coffin to move Article 204 Innovative Zoning to rename it to be "Conservation Open Space Zoning" to the ballot. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

Article 206: ACCESSORY DWELLING UNIT ORDINANCE

24. Article 206: ACCESSORY DWELLING UNIT ORDINANCE, Section 206.4. ADU REQUIREMENTS, E.

AMEND Article 206 Accessory Dwelling Unit Ordinance, Section 206.4. ADU Requirements, E. to increase the possible size of the ADU.

Ms. Duguay read the proposed language.

Board comment(s): Mr. Bashaw brought up that the language regarding the 1,800 square feet is supposed to be struck to be removed. ~~In the case where a home is smaller than 1800 square feet the ADU may be no larger than 600 square feet.~~

[AI.1-12.05.2023] Ms. Carter to make this edit and this will need to be renoticed.

MOTION made by Mr. Bashaw to continue Article 206 Accessory Dwelling Unit Ordinance, Section 206.4. ADU Requirements, E. to the January 2, 2024 public hearing with the changes mentioned with the strike through. Seconded by Mr. Coffin.
A vote was taken, all were in favor, the motion passed. 5-0-0

Public comment(s): The Board talked about the size requirement for an ADU and some scenarios. Mr. Bashaw said that it can only be 50% of the 100% of what still exists on the primary. You cannot take a 1,200 S.F. house and make 600 of it an internal thing. You can add 600 S.F. to it to make an accessory dwelling unit. Mr. Coffin said its 100% of the original GLA (Gross Living Area). Mr. Bashaw explained that you cannot subtract from the primary to count towards the new. Mr. Greenwood said that if you have a 2,000 S.F. house you could have a 1,000 S.F. ADU. Mr. Bashaw said you can't take away from the 2,000 S.F. home, you still have to have the primary and can't cut your house in half and say this is an ADU now because that would make your two properties equal.

Mr. Greenwood said that as defined on the Town's tax card we are saying that the maximum size of the ADU shall not exceed 50% of the size of the gross living area (GLA) as defined in the tax card of the primary single-family dwelling. If you have a 2,000 S.F. house, you can propose a 1,000 S.F. accessory dwelling unit. Mr. Bashaw said that you don't just split the house in half and call it an ADU, that's a duplex and that is not the calculation for an ADU.

Public comment opened at 9:49 PM.

Ellen Faulconer –

- Commented then should it be the final gross living area?

Mr. Greenwood said it doesn't say that and it should be clarified. We can't allow for the ADU to be even with the size of the primary dwelling. Mr. Bashaw proposed continuing to revise the language to clarify this, "as defined on the Town's tax card after the creation of the ADU."

- Ms. Faulconer added it could be "the size of the gross living area after the creation of the ADU."

Mr. Bashaw reiterated that you do not want a 2,000 S.F. home turned into a 1,000 S.F. home and a 1,000 S.F. ADU because then you have created an ADU that is 100% of your primary living residence.

Mr. Greenwood asked does that mean we are not allowing someone to reduce the interior space of their existing residence. Mr. Bashaw said no, you can as long as the final numbers

do not exceed 50% of the primary dwelling versus the accessory dwelling unit. Mr. Bashaw gave an example, you could take your existing 1,800 S.F. home and do a 600 S.F. ADU, then reduce the primary down to 1,200 S.F. and then you would be in compliance with the 50%

Public comment closed at 9:52 PM.

Board discussion: No further discussion.

MOTION made by Mr. Bashaw to continue Article 206 Accessory Dwelling Unit Ordinance, Section 206.4. ADU Requirements, E. to the January 2, 2024 public hearing with the amended language to close the loophole. Seconded by Mr. Coffin.
A vote was taken, all were in favor, the motion passed. 5-0-0

Article 301: BUILDING AND BUILDING LOTS

25. Article 301: BUILDING AND BUILDING LOTS, Section 301.1 LOT REGULATIONS
AMEND Article 301 Building and Building Lots, Section 301.1 Lot Regulations B., by REMOVING this section in its entirety.

Ms. Duguay read the language that will be removed.

Board comment(s): Mr. Coffin explained that all of these requirements are in the individual zones. This is in the building lot requirements and if this applied, you would not be allowed under this article to build a commercial structure or an apartment house or anything else that didn't meet that on any lot in Town. This was obviously not being followed and it needed to go.

Public comment(s):

Public comment opened at 9:55 PM.

Virginia Morse –

- She asked for further explanation on why this is being removed.

Mr. Coffin said that it was applying to all building lots in Town. It is under Article 301, which is the building lot requirements. He gave an example, if he wanted to build a hotel or All American Assisted Living, something like this, technically all that All American should have on the lot as this says “every building lot shall have no more than one single family home or one two family dwelling thereof”, he wouldn't be able to build that. Mr. Bashaw explained that those items are already regulated in the individual zoning districts. Mr. Coffin said that it is left over from when the entire Town was Rural Residential (RR) and that is what the RR requirement was. The Historic District says what you can have on a lot and Single Family Residential or SFR-Agricultural has requirements what you are allowed to put there. This should not be in a general ordinance about building lots. This was added in 1963, it's pre-zoning. Mr. Bashaw added that the Town has ignored this because it is covered elsewhere, because if the Town actually followed this it would not allow anything even in zones where this type of construction could be, i.e., multi-family.

- Ms. Morse asked if this was defined in each one of the sections.

Mr. Coffin said that this went in in 1963 before the zoning ordinances were even written, but when the zoning ordinances were written each zone had its own requirements so when zoning went into effect this particular article should have been taken out because it doesn't apply

to anything other than Rural Residential.

- Ms. Morse asked if she looked in RR will this language be there?

Mr. Coffin said you will see what is allowed to have, which is a single family or two family, and other businesses you can have, there are quite a few things that are permitted in RR.

Ellen Faulconer –

- Ms. Faulconer gave the history of this article and that someone built two houses on one lot and then connected them. This went in so somebody couldn't make basically two single family residential homes on one lot and join them together and then call it a two family.

Public comment closed at 10:01 PM.

Board discussion: No further discussion.

**MOTION made by Mr. Coffin to move Article 301 Buildings and Building Lots, removing Section 301.1.B. Lot Regulations to the ballot. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0**

Article 304: INDUSTRIAL DEVELOPMENTS

26. Article 304: INDUSTRIAL DEVELOPMENTS

AMEND **Article 304 Industrial Developments**, by REMOVING this ordinance in its entirety.

Ms. Duguay read the proposed language.

Board comment(s): None

Public comment(s):

Public comment opened at 10:03 PM.

Virginia Morse –

- Ms. Morse asked why is this being removed? Why would the Town not be involved having input about industrial developments.

Mr. Coffin explained that if somebody came in about industrial in the Industrial Zone, the Planning Board would not be allowed to even hear it, it would have to go to the Selectmen to be posted for next March for public hearing. No other development requires a Town vote at a public Town meeting.

Mr. Greenwood explained that this is a process that existed previously, but it implies a process that isn't statutorily allowed. Simply going to the Board of Selectman (BOS) to do a zoning provision isn't legal. The BOS does not have this authority, so having this article here makes no sense.

Mr. Coffin said that if you wanted an industrial "use" outside the Industrial Zone the state statues require you would apply to the Zoning Board of Adjustment (ZBA) for a variance. What this is telling them, instead of doing this, you go to the Selectmen, get the Selectmen to put it on a Town ballot after they decided there were going to recommend this outside of the ZBA process.

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- Ms. Morse questioned then why you wouldn't strike "after being recommended by the Selectman". *Industrial Development in the existing Industrial Zone must have the approval of the Town.*

1308 Mr. Coffin asked why would any proposed development need to go to the Town on a ballot

1309 when we have a system.

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- Ms. Faulconer said that this was put in when there was no commercial zoning and the Industrial Zone looked like it was beginning to spread out a little bit. This was put in order for the Planning Board to be able to approve anything industrial outside of the Industrial Zone, it would have to get approval by the BOS and get a vote of the Town. It was put in a long time ago and now we have commercial zoning and industrial zones that specify what is allowed in the zones, this is not necessary anymore.
- 1319
- Ms. Morse asked if she wanted to put in an industrial development somewhere in Town that is not within the existing Industrial Zone her action is to go to the ZBA.
- 1320
- 1321
- 1322

1323 Mr. Coffin explained that you'd go to the Planning Board first and get a denial. Then you'd have

1324 to go the ZBA to get a variance.

1325

1326 Public comment closed at 10:07 PM.

1327

1328 Board discussion: No further discussion.

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1330 **MOTION made by Mr. Coffin to move Article 304 Industrial Developments to the ballot as**

1331 **remove this article in its entirety. Seconded by Mr. Padfield.**

1332 **A vote was taken, all were in favor, the motion passed. 5-0-0**

1333

1334 **BOARD BUSINESS**

1335

1336 (#8 above on pg. 12) **Article 102: HISTORIC DISTRICT, USES, A. HISTORIC DISTRICT I, 2.**

1337 Ms. Duguay asked if there was an update on this. Mr. Greenwood said that the Board asked for

1338 two things last meeting about this issue. One was to find out from Chinburg what their progress

1339 was or wasn't for their proposed development. Mr. Greenwood stated that he did have a chance

1340 to talk with their project engineer who indicated that they are going to apply in December for the

1341 January meeting for design review for the process, but we do not have the application yet. That

1342 left us in a odd position after speaking with the HDC about leaving the language in place that is

1343 there now, but it is really ambiguous language and not something that really wanted to see go

1344 another year without being addressed somewhere. He noted that he is working with Huddy

1345 (Town Counsel) with kind of an odd zoning ordinance that would just allow multi-family use on

1346 the former Sanborn Seminary property. We would have to have this language by the middle of

1347 this month to post it for the January 2nd meeting.

1348

1349 The Board paused the meeting and Ms. Duguay closed the public hearing at 10:10 PM for the

1350 zoning amendments the Board voted on tonight.

1351

1352 The meeting resumed and Mr. Greenwood continued to inform the Board that the end result is

1353 that the warrant article that we would present to the Board is one that basically, spot zones.

Huddy is comfortable with the concept as long as we show why there is general benefit to that action. He commented that he is actually working with her assistant.

Mr. Coffin asked about the application for historic places for the tax relief for the proposal. Does this count towards submitting an application to the Board. Mr. Greenwood said no and neither does informal discussion. There is no action on his part that has protected his interests from any challenges in zoning.

27. Article 402: RECREATIONAL CAMPGROUNDS AND CAMPING PARKS -

This provision is enacted to allow the placement of seasonal Recreational Campgrounds and/or Camping Parks within specific areas of the community, to provide standards for their use, and to promote growth of the Kingston economic base.

Mr. Bashaw said that this came about with some potential enforcement issues with some things going on in Town. The big catalyst came from people that were staying in a camping setting and were trying to claim residency from the Town and then apply for benefits that the Town essential has an unfunded liability to fulfill. We asked Legal to take a look at our Campground ordinance and Legal came up with some recommendations to move to Town ballot. Obviously, any change wouldn't affect those already in current existence under approved uses. They would be grandfathered under that. Those that were looking, seeking for expansion of uses, or new site plans, or if you had a completely new campground development, they would obviously be subject to a lot of these. This was created by Town Counsel with a recommendation of having this go to public hearing, then look at moving it to warrant article to fill deficiencies in the Town's liability to the way certain campgrounds, camping facilities may operate.

Mr. Coffin said that we discussed this before and what zones. We decided Rural Residential, Commercial Zone C-I, C-II and C-III. Ms. Duguay said that Ms. Merrill's suggestions were RR and all 3 commercial zones too.

Mr. Coffin noted that we would have to make changes to these articles, but only after Article 402 is enacted. This would have to be added to 402 because those would be the zones this is allowed. Mr. Coffin said that there are two actions, one is to move Article 402 to a hearing, and would also have to create hearings to amend RR, C-I, C-II, and C-III. Mr. Bashaw brought up that they are not expressly prohibited now, so do we need separate language for all these. Mr. Greenwood said it makes more sense to make them allowed. Mr. Bashaw asked would it only be contingent upon the passage of this Article. Mr. Greenwood said it could be structured to be all one warrant article. Mr. Bashaw said we want to do it all as one because we don't want them passing without each other. **[AI.2-12.05.2023] Mr. Greenwood will amend this Article to include the zones mentioned. The Board to continue this discussion to the December 12, 2023 public hearing.**

Mr. Greenwood to amend the proposed language for Article 402 Recreational Campgrounds and Camping for the Board to include Commercial Zones C-1, C-II, C-III and the Rural Residential District and to vote on whether to move this to this to the January 2, 2024 public hearing.

1405 **Approval of the November 7, 2023 meeting minutes:**

1406 **MOTION** made by Mr. Coffin to accept the 11/07/2023 minutes as presented. Seconded by,
1407 Mr. Padfield. A vote was taken, all were in favor, the motion passed. (5-0-0)

1408
1409 **Correspondence:**

1410 Email from Mark C. Armaganian, Chief, Division of Enforcement dated December 4, 2023
1411 forwarded from the BOS re: **Benson's Café LLC**. Benson's made an application for a
1412 beverage/wine/liquor license.

1413
1414 Mr. Bashaw said that if they are looking to expand hours of use that we have on file as an
1415 approved use, it may be beneficial if the Board sent them something that we received this
1416 application (he noted, that the liquor license has nothing to do with the Board), but if this
1417 changes their approved hours and other details that are on file with the Town, they may
1418 potentially have to come back to the Board for some level of review. Mr. Greenwood asked
1419 when Benson's got approved, the Board mentioned about 2 years ago. Mr. Bashaw doesn't
1420 know what is in the property file, or if it is just limited to breakfast and lunch or if Josiah's ever
1421 had dinner. He suggests that the Board send something that says that they could be subject to
1422 additional review or site plan depending on what type of changes that they may want to make.
1423 Mr. Tersolo said that parking is a problem there at night. **[AI.3-12.05.2023] Mr. Greenwood to**
1424 **draft a letter to Benson's.**

1425
1426 **ADJOURNMENT**

1427
1428 Ms. Duguay declared the meeting adjourned at **10:23 PM.**

1429
1430 ***Next Public Meeting is scheduled for Tuesday, December 12, 2023. Subject to change.****

**Kingston Planning Board
2024 Proposed Zoning Warrant Articles for the March Ballot
Updated as a result of the 12/05/2023 public hearing/meeting**

Highlight yellow text are open items (summary on last page).

I. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS

1. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – “Family”

REMOVE #13, the definition of “Family”. (*Note: In removing this, subsequent definitions will be renumbered.*)

~~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.”~~

MOTION made by Mr. Bashaw to move Article Preamble II: Definitions to remove #13, the definition of “Family” to the ballot. Seconded by Mr. Coffin.
A vote was taken, all were in favor, the motion passed. 5-0-0

Board comments: Mr. Greenwood to draft a new proposed definition of “Family” for review at the next Planning Board meeting.

2. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – “Industrial Developments”

REMOVE #15, the definition of “Industrial Developments”.

~~15. “Industrial Developments: The dedication of real property to the manufacture of goods or services.”~~

MOTION made by Mr. Coffin to move Article Preamble II: Definitions to remove #15, the definition of “Industrial Development” to the ballot. Seconded by Mr. Padfield. **A vote was taken, all were in favor, the motion passed. 5-0-0**

3. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – “Industrial”

ADD an entirely new definition for “Industrial”.

~~“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."

MOTION made by Mr. Coffin to continue Article Preamble II: Definitions "Industrial" to the next meeting for revisions. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

Board discussion: The Board discussed if this definition was needed or not since permitted uses are already in the Industrial Zone ordinance (Article 107). Alternative language was discussed. This will be addressed further at the 12/12/2023 Planning Board meeting.

4. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – "Mobile Home"

REMOVE #18, the existing definition of "Mobile Home or House Trailer" and REPLACE with a new definition for "Mobile & Manufactured Home" per NH RSA 674:31.

~~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."~~

"Mobile Home or Manufactured Home (as defined in NH RSA 674:31): 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.

Manufactured housing as defined in this section shall not include presite built housing as defined in NH RSA 674:31-a."

MOTION made by Mr. Coffin to move Article Preamble II: Definitions by removing the existing language for the definition of #18 "Mobile Homes or House Trailer" and replacing it with the definition for "Mobile Home or Manufactured Home" as defined in NH RSA 674:31 to the ballot. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

5. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – “Presite Built Housing”

ADD entirely new definition for “Presite Built Housing” per RSA 674:31-a.

“Presite Built Housing (as defined in NH RSA 674:31-a.):- As used in this subdivision, "presite built housing" means any structure designed primarily for residential 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.

For the purposes of this subdivision, presite built housing shall not include manufactured housing, as defined in NH RSA 674:31.”

MOTION made by Mr. Coffin to move Article Preamble II: Definitions to add an entirely new definition for “Presite Built Housing” as defined in NH RSA 674:31-a. to the ballot. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

II. Article 102: HISTORIC DISTRICT

6. Article 102: HISTORIC DISTRICT, Section 102.2 HISTORIC DISTRICT I

AMENDING Article **102 Historic District, Section 102.2 Historic District I** 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:

"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 **former** Sanborn Regional High School property (**Tax Map R-34 Lot 17**). All **former** Sanborn Regional School District property fronting on Main Street (excepting athletic field on Chase and Church Streets) shall be in the Historic District. The Historic District shall also include the Kingston Plains Cemetery and properties on Depot Road adjacent thereto. Properties whose frontage lies partially within the District, shall be considered within the District. To eliminate confusion, the following lots have frontage in Historic District I and therefore zoned as completely Historic District I:"

MOTION made by Mr. Coffin to move Article 102 Historic District, Section 102.2 Historic District I to the ballot as amended. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

7. Article 102: HISTORIC DISTRICT, Section 102.4 MOBILE HOMES

AMENDING Section 102.4 Mobile Homes to read as follows:

"**MOBILE HOMES and MANUFACTURED HOMES**, as defined in NH RSA 674:31, will not be permitted in the Historic Districts. **Presite Built Housing as defined in NH RSA 674:31-a. may be allowed in the Historic Districts.**"

MOTION made by Mr. Coffin to move Article 102 Historic District, Section 102.4 Mobile Homes and Manufactured Homes to the ballot as amended. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

8. Article 102: HISTORIC DISTRICT, Section 102.5 DESCRIPTION AND PERMITTED USES, A. HISTORIC DISTRICT I, 2.

(pg. 4. Mr. Greenwood to consult with Town Counsel and draft proposed amended language.)

9. Article 102: HISTORIC DISTRICT, Section 102.5 DESCRIPTION AND PERMITTED USES, B. HISTORIC DISTRICT II

AMENDING Article 102 Historic District, Section 102.5 Description and Permitted Uses, B. Historic District II to REMOVE the existing 2nd sentence ~~"This area is zoned Single Family Residential Agricultural and uses will be permitted in accordance with the Kingston Zoning Ordinances and in conformance with Historic District Ordinances."~~ And REPLACE it with the new language to read as follows:

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

MOTION made by Mr. Coffin to move Article 102 Historic District, Section 102.5 Description and Permitted Uses, B. Historic District II to the ballot as amended. Seconded by Mr. Padfield.

A vote was taken, all were in favor, the motion passed. 5-0-0

10. Article 102: HISTORIC DISTRICT, Section 102.7.1 SHEDS AND OUT BUILDINGS

ADD entirely new section, Article 102 Historic District, Section 102.7.1 SHEDS AND OUT BUILDINGS to read as follows:

"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."

MOTION made by Mr. Bashaw to NOT move Article 102 Historic District, entirely new Section 102.7.1 Sheds and Out Buildings to the ballot. Seconded by Mr. Coffin. A vote was taken, all were in favor, the motion passed. 5-0-0

11. Article 102: HISTORIC DISTRICT, Section 102.8 PROCEDURE; and Section 102.8.C.

AMENDING Article 102 Historic District, Section 102.8 Procedure and Section 102.8.C. to make the following *editorial* changes and REPLACE the word "~~receipt~~" with "**filing**" in the 1st paragraph. ADD new language to letter C. to include "**the building inspector**".

"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 NH 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 **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."

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."

MOTION made by Mr. Bashaw to approve the *editorial* changes for Article 102 Historic District, Section 102.8 Procedure and Section 102.8.C to be incorporated in the ordinance after the March 2024 Town vote has taken place.

Move the following proposed amendments for Article 102.8 to the ballot as amended. Seconded by Mr. Coffin.

A vote was taken, all were in favor, the motion passed. 5-0-0

EDITORIAL ONLY by ADDING a new section number because of the duplicate section # found in this Article- **Article 102: HISTORIC DISTRICT, Section 102.8. 7 PUBLIC HEARINGS**

(Providing the language for informational purposes only). "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."

MOTION made by Mr. Coffin to approve the *editorial* change for Article 102 Historic District, Section 102.8. Public Hearings to change it to be a new Section 102.8. 7 to differentiate it from 102.8 Procedure. The change will be made after the March 2024 Town vote. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

12. Article 102: HISTORIC DISTRICT, Section 102.9 GUIDELINES
AMENDING Article 102 Historic District, Section 102.9 Guidelines as follows:

- a. MOVE the existing language "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." to Section 102.10.
- b. REMOVE "~~Reasons for denial shall not be subjective or based on opinion or speculation.~~"
- c. MOVE "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) to the bottom of this same 102.9 section - below A, B, C, D.
- d. ADD an entirely new item 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.~~"

AMENDING **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)"

MOTION made by Mr. Coffin to move the **Article 102 Historic District, Section 102.9 Guidelines to the ballot as amended. Seconded** by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

13. Article 102: HISTORIC DISTRICT, Section 102.10 DENIAL AND APPEAL
AMENDING **Article 102 Historic District Section 102.10 DENIAL AND APPEAL** to ADD "**the Building Inspector**" to paragraph one. And **MOVE language currently found in Section 102.9** to be a new paragraph at the end of this section.

AMENDING the language for **Article 102 Historic District Section 102.10 DENIAL AND APPEAL** 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)"

MOTION made by Mr. Bashaw to move the Article 102 Historic District, Section 102.10 Denial and Appeal to the ballot as amended. Seconded by Mr. Coffin. A vote was taken, all were in favor, the motion passed. 5-0-0

14. Article 102: HISTORIC DISTRICT, Section 102.12 PRE-EXISTING USE
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."

MOTION made by Mr. Coffin to move Article 102 Historic District, entirely new Section 102.12 Pre-Existing Use to the ballot. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

15. Article 102: HISTORIC DISTRICT, Section 102.13 CONFLICTS
AMENDING Article 102 Historic District by ADDING an entirely new Section 102.13 Conflicts to read.

"Must comply with all other Town of Kingston ordinances and regulations unless explicitly stated otherwise."

MOTION made by Mr. Coffin to move Article 102 Historic District, entirely new Section 102.13 Conflicts to the ballot as amended by adding the term "*The ordinance*" in front of the amended article. Seconded by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

EDITORIAL CHANGES ONLY: Article 102 HISTORIC DISTRICT, 103 SINGLE FAMILY RESIDENTIAL DISTRICT, 105 SINGLE FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT

ADD SET BACKS to Articles 102, 103 and 105. *This language is from Article 301 and is 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 the purpose for 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.)*

Article 102 Historic District Section 102.5 Description and Permitted Uses, A. Historic District I, 4. "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)."

Article 102 Historic District Section 102.5 Description and Permitted Uses, B. Historic District II. *"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)."*

Article 103 Single Family Residential District Section 103.5 [existing 103.5 to become 103.6] *"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)."*

103.6 Must comply with all other Town of Kingston Ordinances and Regulations.

Article 105 Single Family Residential District Agricultural District Section 105.4 [existing 105.4 to become 105.5] *"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)."*

105.5 Must comply with all other Town of Kingston Ordinances and Regulations.

MOTION made by Mr. Coffin to approve that all *editorial* changes be made after the March 2024 Town meeting. Seconded by Mr. Bashaw.
A vote was taken, all were in favor, the motion passed. 5-0-0

III. Article 109: COMMERCIAL ZONE C-II

16. Article 109: COMMERCIAL ZONE C-II, Section 109.7 SPECIAL EXCEPTIONS
AMENDING Article 109 Commercial Zone C-II, Section 109.7 Special Exceptions by REPLACING Special Exceptions (handled by the Zoning Board of Adjustments) with a Conditional Use Permit (handled by the Planning Board). CHANGE the language "~~property values~~" to "**properties**" in subsection A.1. AMENDING the language to read as follows:

"Conditional Use Permit: If, after a public hearing by the Planning Board , a proposed business, not specifically permitted or not specifically 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** 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. Coffin to move Article 109 Commercial Zone C-II, Section 109.7 amending Special Exceptions to be a Conditional Use Permit to the ballot as with the addition of the term "**not specifically**" prohibited following not specifically permitted. Seconded by Mr. Bashaw.

A vote was taken, all were in favor, the motion passed. 5-0-0

Board comments: To clarify the change of striking the language "property values" does not exclude property values from the current impact to the value of properties.

IV. Article 110: COMMERCIAL ZONE C-III

17. Article 110: COMMERCIAL ZONE C-III, Section 110.3 PERMITTED USES, K. AMENDING Article 110 Commercial District III, Section 110.3.K, by ADDING new language as follows:

“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. **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.**”

MOTION made by Mr. Bashaw **to move Article 110 Commercial Zone C-III, Section 110.3 Permitted Uses, K. to the ballot as amended. Seconded** by Mr. Tersolo. **A vote was taken, 3 were in favor, Mr. Coffin and Ms. Duguay opposed, the motion passed. 3-2-0**

18. Article 110: COMMERCIAL ZONE C-III, Section 110.3 PERMITTED USES, O. AMENDING Article 110 Commercial District III, Section 110.3 Permitted Uses, O. by ADDING “Warehouses” to read.

“O. Wholesale Business **and Warehouses**”

MOTION made by Mr. Bashaw **to move to continue Article 110 Commercial Zone C-III, Section 110.3 Permitted Uses, O. to the January 2, 2024 public hearing to notice to the public. Seconded** by Mr. Coffin. **A vote was taken, all were in favor, the motion passed. 5-0-0**

19. Article 110: COMMERCIAL ZONE C-III, Section 110.5 SPECIAL EXCEPTIONS
AMENDING Article 110 Commercial Zone C-III Section 110.5 Special Exceptions by REPLACING Special Exceptions (handled by the Zoning Board of Adjustments) with a Conditional Use Permit (handled by the Planning Board). CHANGE the language "~~property values~~" to "**properties**" in subsection A.1. AMENDING the language to read as follows:

"Conditional Use Permit: If, after a public hearing by the Planning Board , a proposed business, not specifically permitted or not specifically 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** 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. Coffin to move Article 110 Commercial Zone C-III, Section 110.5 amending Special Exceptions to be a Conditional Use Permit to the ballot as with the addition of the term "not specifically" prohibited following not specifically permitted as it has been amended here. Seconded by Mr. Bashaw.

A vote was taken, all were in favor, the motion passed. 5-0-0

Board comments: To clarify that the removing of the language of "property values" does not necessarily remove the intent of property values from being included with properties.

20. Article 110: COMMERCIAL ZONE C-III, Section 110.6 Lot Regulations,
B. Setbacks, 1.b.

AMENDING Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, 1.b. to remove the word "~~zone~~" and change it to "use"; AMENDING the language as follows:

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

MOTION made by Mr. Bashaw to move Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, 1.b. to the ballot as amended. Seconded by Mr. Coffin.

A vote was taken, all were in favor, the motion passed. 5-0-0

21. Article 110: COMMERCIAL ZONE C-III, Section 110.6 LOT REGULATIONS, B. Setbacks, 1.c.

AMENDING Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, c. to change "~~25~~" to "30" feet; AMENDING the language as follows:

"c. Otherwise, Front: 30 feet, Side: 20 feet, Rear: 20 feet"

MOTION made by Mr. Coffin to move Article 110 Commercial Zone C-III, Section 110.6 Lot Regulations, B. Setbacks, 1.c. to the ballot as amended. Seconded by Mr. Padfield.

A vote was taken, all were in favor, the motion passed. 5-0-0

V. Article 203: KINGSTON FLOOD PLAIN DEVELOPMENT ORDINANCE

22. Article 203: KINGSTON FLOOD PLAIN DEVELOPMENT ORDINANCE AMENDING the following sections of Article 203 Kingston Flood Plain Development Ordinance.

Article # (in current ordinance. If new, may need new numbering and lettering once amendments are applied)	Current Language	Proposed new language
203.2 DEFINITIONS 203.2.C. Base Flood Elevation (BFE)	NEW	C. Base Flood Elevation (BFE) means the elevation of surface water resulting from the “base flood.”
203.2 DEFINITIONS 203.2.E. Development (MAY NEED TO RELETTER ONCE REFORMATTED)	AMEND E. Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operation.	Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operation or storage of equipment or materials.
203.2 DEFINITIONS 203.2.L. Flood Opening (MAY NEED TO RELETTER ONCE REFORMATTED)	NEW Relettered, current L is for Flood Proofing. This is a new definition and Flood Proofing is now letter M.	Flood Opening. 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.
203.2 DEFINITIONS 203.2.N. Functionally dependent use	REMOVE N. 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	REMOVE the definition of Functionally dependent use.

	building/repair facilities but does not include long-term storage or related manufacturing facilities.	
203.2 DEFINITIONS 203.2.R. Manufactured Home (MAY NEED TO RELETTER ONCE REFORMATTED)	AMEND R. 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.	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.
203.2 DEFINITIONS 203.2.U. Manufactured Home Park or Subdivision (MAY NEED TO RELETTER ONCE REFORMATTED)	NEW	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.
203.1 DEFINITIONS 203.1.S. Mean sea level (MAY NEED TO RELETTER ONCE REFORMATTED)	AMEND S. Mean sea level means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.	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.
203.2 DEFINITIONS 203.2.T. 100-year flood.	REMOVE T. 100-year flood see base flood.	Remove 100-year flood.
203.2 DEFINITIONS 203.2.V. New Construction	NEW	New construction means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after

(MAY NEED TO RELETTER ONCE REFORMATTED)		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.
203.2 DEFINITIONS 203.2.W. Special flood hazard area (MAY NEED TO RELETTER ONCE REFORMATTED)	AMEND W. 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")	Special flood hazard area. (See - "Area of Special Flood Hazard")
203.2 DEFINITIONS 203.2.AA. Substantial Improvement (MAY NEED TO RELETTER ONCE REFORMATTED)	AA. Substantial Improvement 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 of the structure. 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	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

	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."	b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
203.2 DEFINITIONS 203.2.FF. Violation (MAY NEED TO RELETTER ONCE REFORMATTED)	NEW	Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
203.2 DEFINITIONS 203.2.BB. Water surface elevation (MAY NEED TO RELETTER ONCE REFORMATTED)	AMEND BB. Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.	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.
203.5.A. CERTIFICATION (MAY NEED TO RELETTER ONCE REFORMATTED)	AMEND A. the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.	the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) and include whether or not such structures contain a basement.
203.5.B. CERTIFICATION (MAY NEED TO RELETTER ONCE REFORMATTED)	AMEND B. if the structure has been flood-proofed, the as-built elevation (in relation to NGVD) to which the structure was flood-proofed.	if the structure has been flood-proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood-proofed.

<p>203.7.A. WATERCOURSES (MAY NEED TO RELETTER ONCE REFORMATTED)</p>	<p>AMEND A. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands 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 Board. In addition, construction within wetland areas requires notification of the Kingston Conservation Commission and the Planning Board.</p>	<p>In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau 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. In addition, construction within wetland areas requires notification of the Kingston Conservation Commission and the Planning Board.</p>
<p>203.8. SPECIAL FLOOD HAZARD AREAS (MAY NEED TO RELETTER ONCE REFORMATTED)</p>	<p>AMEND A. In special flood hazard areas the Building Inspector in conjunction with the Kingston Town Engineer shall determine the 100-year flood elevation in the following order of precedence according to the data available:</p> <ol style="list-style-type: none"> 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 the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or 	<p>In special flood hazard areas the Building Inspector in conjunction with the Kingston Town Engineer shall determine the base flood elevation in the following order of precedence according to the data available:</p> <ol style="list-style-type: none"> 1. In zones A and AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM. 2. In Zone A, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for

	<p>other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).</p> <p>B. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in zones A and AE that:</p> <ol style="list-style-type: none"> 1. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year 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 flood level; or together with attendant utility and sanitary facilities, shall: <ol style="list-style-type: none"> a) be flood-proofed so that below the 100-year 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 	<p>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.</p> <p>B. The Building Inspector's base flood elevation determination will be used as criteria for requiring in zones A and AE that:</p> <ol style="list-style-type: none"> 1. all new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 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 base flood level; or together with attendant utility and sanitary facilities, shall: <ol style="list-style-type: none"> a) be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water; b) have structural components
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	<p>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;</p> <p>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 and ready for highway use, or (iii) meet all standards of 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.</p> <p>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</p>	<p>capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and</p> <p>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;</p> <p>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; or (iii) meet all standards of manufactured homes in this ordinance.</p> <p>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</p>
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	<p>anchoring requirements for resisting wind forces;</p> <p>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 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.</p> <p>The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.</p>	<p>local anchoring requirements for resisting wind forces;</p> <p>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.</p> <p>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.</p>
203.9 VARIANCES AND APPEALS	AMEND	If the applicant, upon appeal, requests a variance as authorized

(MAY NEED TO RELETTER ONCE REFORMATTED)	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:	by RSA 674:33, I, the applicant shall have the burden of showing in addition to the usual variance standards under state law:
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MOTION made by Mr. Bashaw to move **Article 203 Kingston Flood Plain Development Ordinance** to the ballot as amended and as provided on the documentation for those presented and posted online. Seconded by Mr. Padfield. **A vote was taken, all were in favor, the motion passed. 5-0-0**

Board comments: This article is being amended to stay in compliance with the National Insurance Flood Program and that the Town will be eliminated from the program if these amendments are not accepted.

VI. Article 204: INNOVATIVE ZONING

23. Article 204: INNOVATIVE ZONING

AMENDING Article 204 Innovative Zoning to be renamed to "Conservation Open Space Zoning."

MOTION made by Mr. Coffin to move Article 204 Innovative Zoning to rename it to be "Conservation Open Space Zoning" to the ballot. Seconded by Mr. Bashaw. A vote was taken, all were in favor, the motion passed. 5-0-0

VII. Article 206: ACCESSORY DWELLING UNIT ORDINANCE

24. Article 206: ACCESSORY DWELLING UNIT ORDINANCE, Section 206.4. ADU REQUIREMENTS, E.

AMENDING Article 206 Accessory Dwelling Unit Ordinance, Section 206.4. ADU Requirements, E. to read as follows:

"The size of the ADU shall not be smaller than 600 square feet. **The maximum size of the ADU shall not exceed 50% of the size of the Gross Living Area, aka GLA** (heated or air-conditioned space), as defined in the Town's tax card, of the primary single-family dwelling. (Amended 03/08/22) ~~In the case where a home is smaller than 1800 square feet the ADU may be no larger than 600 square feet.~~ 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.

Accessory dwelling units located in a detached structure shall comply with these same size requirements."

MOTION made by Mr. Bashaw to continue Article 206 Accessory Dwelling Unit Ordinance, Section 206.4. ADU Requirements, E. to the January 2, 2024 public hearing with the changes mentioned with the strike through. Seconded by Mr. Coffin.

A vote was taken, all were in favor, the motion passed. 5-0-0

MOTION made by Mr. Bashaw to continue Article 206 Accessory Dwelling Unit Ordinance, Section 206.4. ADU Requirements, E. to the January 2, 2024 public hearing with the amended language to close the loophole. Seconded by Mr. Coffin. **A vote was taken, all were in favor, the motion passed. 5-0-0**

VIII. Article 301: BUILDING AND BUILDING LOTS

25. Article 301: BUILDING AND BUILDING LOTS, Section 301.1 LOT REGULATIONS
AMENDING Article 301 Building and Building Lots, Section 301.1 Lot Regulations
B., by REMOVING this section in its entirety.

~~"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)"~~

MOTION made by Mr. Coffin to move Article 301 Buildings and Building Lots, removing Section 301.1.B. Lot Regulations to the ballot. Seconded by Mr. Bashaw. A vote was taken, all were in favor, the motion passed. 5-0-0

EDITORIAL CHANGE ONLY: Article 301.1 Lot Regulations, Section F. This language can be ADDED as an editorial change if all the other HDC articles are voted in in March.

"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."

The Board approved that all *editorial* changes be made after the March 2024 Town vote.

IX. Article 304: INDUSTRIAL DEVELOPMENTS

26. Article 304: INDUSTRIAL DEVELOPMENTS

AMENDING **Article 304 Industrial Developments**, by REMOVING this ordinance in its entirety. Leave a page reference with notation about it being removed for historical reference.

MOTION made by Mr. Coffin to move **Article 304 Industrial Developments to the ballot as remove this article in its entirety. Seconded** by Mr. Padfield.
A vote was taken, all were in favor, the motion passed. 5-0-0

X. Article 402 RECREATIONAL CAMPGROUNDS AND CAMPING PARKS

27. Article 402 – RECREATIONAL CAMPGROUNDS AND CAMPING PARKS – *(For further discussion and review by the Board at the next Planning Board meeting.)*

This provision is enacted to allow the placement of seasonal Recreational Campgrounds and/or Camping Parks within specific areas of the community, to provide standards for their use, and to promote growth of the Kingston economic base.

A. DEFINITIONS:

1. "Approved disposal system" means a system:
 - (a) Constructed prior to July 1, 1967; or
 - (b) Constructed in accordance with plans submitted to and approved by:
 - (1) The former New Hampshire water supply and pollution control commission; or
 - (2) The department of environmental services.
2. "Campsite" means a parcel of land in a recreational campground or camping park rented for the placement of a tent, recreational vehicle, or a recreational camping cabin for the overnight use of its occupants.
3. "Campground owner" means the owner or operator of a recreational campground or camping park, or their agents.
4. "Dependent vehicle" means a recreational vehicle which does not have toilet and lavatory facilities.
5. "Individual sewage disposal system" means any sewage disposal or treatment system, other than a municipally-owned and operated system, which receives either sewage or other wastes, or both.
6. "Recreational campground or camping park" means a parcel of land on which two (2) or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residency.

7. "Recreational camping cabin" means a structure on a campsite, 400 square feet or less, calculated by taking the measurements of the exterior of the cabin, including all siding, corner trim, molding and area enclosed by windows, but not the roof or porch overhang, or log overhang at corners. It shall be designed not for use as a permanent dwelling but as a temporary dwelling for recreational camping and vacation use.
8. "Recreational vehicle" means any of the following vehicles:
 - i. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
 - ii. Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
 - iii. Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
 - iv. Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.
9. "Sanitary station" means an approved facility used for accepting and disposing of wastes from recreational vehicle holding tanks, portable recreation toilets, or portable sanitary service vehicles.
10. "Tent" means a portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes.

B. GENERAL.

1. Licensing. All recreational campgrounds and camping parks shall be properly licensed by State and other applicable government agencies.
2. Temporary Occupancy. No tent, trailer or recreational vehicle shall remain on the premises more than 100 days per year. The camping

season shall be from May 1st through October 15th. No campground may be occupied during off-season. Temporary occupancy in a recreational campground shall not establish permanent residency in the Town of Kingston. No one shall be considered a resident of the Town of Kingston who uses as his local address a site in a recreational camping park.

3. Applications. The Planning Board shall have authority to accept applications, impose application fees, review site plans, and approve or deny applications for any new or proposed recreational campground or camping park and/or the expansion thereof.
4. Permitted Locations. A recreational campground or camping park shall be located only in a zoning district where it is classified as a permitted use or is permitted by Conditional Use Permit.
5. General Conditions. A recreational campground or camping park shall adhere to the following requirements:
 - a. Minimum Acreage. The Recreational Campground or Camping Park shall contain a minimum of ten contiguous acres.
 - b. Density/Campsite Size. The minimum campsite size for a recreational vehicle or tent shall be one thousand square feet (1,000 sq. ft.) and one thousand five hundred square feet (1,500 sq. ft.) for a cabin or cottage.
 - c. Parking. Every recreational camping park shall have a suitable parking area large enough to accommodate one vehicle per campsite.
 - d. Recreational Camping Cabin. The maximum size of a recreational camping cabin located in a Recreational Campground or Camping Park is 400 square feet or less, calculated by taking the measurements of the exterior of the cabin, including all siding, corner trim, molding and area enclosed by windows, but not the roof or porch overhang, or log overhang at corners. It shall be designed not for use as a permanent dwelling but as a temporary dwelling for recreational camping and vacation use.

- e. **Restriction Against Permanency.** No camper unit shall be installed on a camping site in such a way as to consider it permanent. This shall include but is not limited to the following methods.
 - 1. No removal of tires.
 - 2. No removal of towing arms, hitches, etc.
 - 3. No mounting on blocks, except for the purpose of leveling.
 - 4. No skirting around the base of any camper unit.
 - 5. No porches or enclosed areas shall be attached to any camper unit unless the porch or enclosed area has been designed to be removed and packed for travel.
 - 6. All water, electric, telephone, and septic systems shall be disconnected from all recreational vehicle sites during off-season.
- f. **Placement.** No site within the recreational camping park shall be located within one hundred feet (100 ft.) of any boundary, except the waterfront boundary of the park. The minimum boundary setbacks may be reduced to as little as fifty feet (50 ft.) by Conditional Use Permit. All sites shall be set back from the waterfront boundary to comply with setbacks in the zoning district within which the campground is situated.
- g. **Internal Setbacks.** All setbacks within the campground or park shall be as follows:
 - 1. Campsite perimeters shall be setback 30 feet from surface water and very poorly drained wetlands (unless larger minimums are established elsewhere in these regulations).
 - 2. Campsite perimeters shall be setback 50 feet from any permanent or incidental structure.
 - 3. Campsite perimeters shall be setback 10 feet from internal roads.
 - 4. Cabins or cottages shall be setback 20 feet from other cabins or cottages.
 - 5. Minimum campsite width shall be 15 feet.
 - 6. Minimum distance between Campsite perimeters shall be 12 feet. All other setbacks shall comply with setbacks in the zoning district within which the campground is situated.
- h. **Marking.** Each site shall be clearly marked by non-removable metal stakes, clearly identifiable permanent vegetation, or other approved methods.

- i. Permanent Residence and/or Office: One residential home/office occupied by the recreational campground or camping park owner or manager and his or her immediate family will be permitted. This building will be required to meet the full lot requirements for a single-family residence based on the Zoning District in which the recreational campground or camping park is located, as well as to comply with local building and other codes and regulations.
- j. Shoreland Frontage Requirement. For parcels with water frontage, the minimum requirement for a recreational campground or camping park is 150 feet of continuous shoreland frontage. Provided the parcel in question satisfies the minimum shoreland frontage requirement, the parcel shall contain no more than 12 campsites and/or recreational camping cabins. For each additional unit or camping cabin beyond 12, a minimum of 12.5 feet of additional continuous shoreline frontage is required.

C. WATER SUPPLY AND WASTE DISPOSAL.

- a. Water Supply. – An accessible, adequate, safe and potable supply of water shall be provided in each recreational campground or camping park. Where a public supply of water of sufficient quantity, quality, and pressure is available, connection shall be made to the supply and that supply shall be used exclusively. When a satisfactory public water supply is not available, a private water supply system may be used if approved by the department of environmental services.
- b. Disposal System.
 - (1) An approved disposal system shall be provided in all recreational campgrounds or camping parks.
 - (2) Septage or waste water shall be discharged from recreational vehicles into individual sewage disposal system connections, or sanitary stations.
 - (3) Flush toilets or other approved toilet facilities, such as self-composting toilets or incinerating toilets, shall be provided in all recreational campgrounds or camping parks.
 - (4) No recreational vehicle which is not a dependent vehicle (such as a pick-up camper, tent trailer, or van) shall be located in any camping site that does not have a proper hookup to an approved septic system. No individual holding tanks will be permitted.

- (5) The disposal of refuse in recreational campgrounds or camping parks shall be conducted in a manner that will prevent health hazards, rodent harborage, insect breeding, accident or fire hazards.
- (6) A recreational camping cabin which has water plumbed to it shall have a connection to an approved sewage disposal system.

D. CAMPFIRES

- a. Recreational campground or camping park owners or operators or their agents shall obtain a fire permit each year from the Kingston Fire Department.
- b. All fireplaces in recreational campgrounds or camping parks shall be on an area cleaned to mineral soil at least 8 feet across. Where fires are built on the ground, there shall be at least 6 inches of sand or gravel under the fire.
- c. All tree limbs or other burnable material within a height of 10 feet above the fireplace area shall be removed.
- d. Fireplaces shall not be moved.
- e. Fire shall not be kindled except in fireplaces provided by recreational campgrounds or camping parks.

The Board to continue this discussion to the December 12, 2023 public hearing. Mr. Greenwood to amend the proposed language for Article 402 Recreational Campgrounds and Camping for the Board to include Commercial Zones C-1, C-II, C-III and the Rural Residential District and to vote on whether to move this to this to the January 2, 2024 public hearing.

ARTICLES FOR THE PLANNING BOARD TO VOTE ON AT THE December 12, 2023 PUBLIC HEARING TO MOVE TO THE January 2, 2024 PUBLIC HEARING.

1. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – “Residential” - (current definition proposed to be removed is on pg. 1 of this document. Mr. Greenwood to draft a proposed new definition for “Family”)

3. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – “Industrial” (pg. 2 of this document. Board to discuss further on 12/12/2023.)

8. Article 102: HISTORIC DISTRICT, Section 102.5 DESCRIPTION AND PERMITTED USES, A. HISTORIC DISTRICT I, 2. (pg. 4. Mr. Greenwood to consult with Town Counsel and draft proposed amended language.)

24. Article 206: ACCESSORY DWELLING UNIT ORDINANCE, Section 206.4 ADU REQUIREMENTS, E. (pg. 26 of this document and Mr. Greenwood to draft proposed amended language.)

27. Article 402: RECREATIONAL CAMPGROUNDS AND CAMPING PARKS (pgs. 29-34 of this document. Mr. Greenwood amend this language to include proposed zones – Commercial Zones C-1, C-II, C-III and the Rural Residential District.)

The Planning Board voted on December 5, 2023 to move to the following article to the January 2, 2024 public hearing:

18. Article 110: COMMERCIAL ZONE C-III, Section 110.3 PERMITTED USES, O. (adding “Warehouses”). (pg. 13 of this document)