KINGSTON PLANNING BOARD
DECEMBER 12, 2023
PUBLIC HEARING/MEETING
MINUTES

Ms. Duguay called the meeting to order at **6:45 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
Chris Bashaw, BOS Representative
Peter Bakie
Peter Coffin
Rob Tersolo
ABSENT: Lynne Merrill, Chair; Steve Padfield
Robin Carter, Land Use Admin.

ALSO PRESENT:
Glenn Greenwood, Town Planner

PUBLIC HEARING(s) (in these minutes)

Bridges Brothers Movers, SUSC, 8 Diamond Oaks, R3, L4, LU5 (withdrawn)	Pg. 2
Hawks Ridge of South Kingston, LLC, Mulligan Way, R3, LU4 4020 (withdrawn)	Pg. 1
PSNH d/b/a Eversource Map R18, Lots 18, 29, 29A, 34, 35B (continued)	Pg. 1
Wilcomb's Way, LLC, 50 Depot Road, Map R29 Lots 2, 4, 6, 10	Pg. 2

PUBLIC HEARING

Request to continue to January 16, 2024
PSNH d/b/a Eversource
363 Transmission Line Structure
Map R18 Lots 18, 29, 29A, 34, 35B

The applicant is submitting a **Conditional Use Permit** for proposed utility maintenance on the existing 345kV 363 Transmission Line in Kingston. This application is being submitted in accordance with Section 202.8 of the Town's zoning ordinance and is required for the proposed work to allow impacts within wetlands and their associated buffer areas protected under the Wetlands Conservation District.

Mr. Greenwood explained that the applicant requested a continuance to January 16, 2024 public hearing. This will allow time to renotice in the newspaper and notify outstanding abutters.

MOTION made by Mr. Bashaw **to continue to the January 16, 2024 public hearing at 6:45 PM. Seconded** by, Mr. Coffin. **A vote was taken, all were in favor, the motion passed. (5-0-0)**

Withdrawn Application
Hawks Ridge of South Kingston, LLC
Village at Granite Fields Condominium
Mulligan Way
Map R3, LU4, 4020

The applicant has submitted a **Site Plan Review** application to amend the existing site plan to seek approval to adjust/relocate Land Unit 4020 (20) and its associated Land Unit Area to a location on Mulligan Way between Land Units 23 & 24.

Ms. Duguay stated that the applicant has withdrawn their application.

An email was submitted to formally withdraw the application. With this application being withdrawn there is nothing else the Board needs to do on this.

Withdrawn Application
Bridges Brothers Movers
Owner: Seacoast United Soccer Club Kingston, Inc.
8 Diamond Oaks Blvd.
Map R3 Lot 4 LU5

This is a **Site Plan Review** application requesting renovations to the existing Seacoast United at Granite fields Sports Complex into warehouse/industrial space for Bridges Bros Movers, including interior change of use, parking re-stripping, loading dock addition, and creation of a new curb cut.

Ms. Duguay stated that the applicant has withdrawn their application.

Mr. Greenwood said that there is no action required by the Board.

Wilcomb's Way, LLC
50 Depot Road
Map R29 Lots 2, 4, 6, 10
<Board note: this hearing opened at 6:50 PM>

Owners: L2-Amenta Family Trust; L4-In Control Advanced Driver Training; L6-Ruth S. Albert; L10-Brenda Grant & Gail Anderson

Preliminary Site Plan Review application for a proposal for a residential mixed-style community development of 38 duplexes and 6 garden style buildings with one- and two-bedroom *units <note: removed the reference to apartments per the applicant's comments below>* served by private onsite water system and private onsite septic systems. As part of the project, Lots 4, 6 and 10 will be merged with Lot 2.

Ms. Duguay explained to the public that this is a design review application and there will be no action taken by the Board this evening. This is an opportunity for the applicant to present their proposal.

Ms. Duguay went over the hearing process.

Applicant: Keith Martel introduced himself and said he is here on behalf of Wilcomb's Way as the applicant representing the project. Mr. Martel introduced, Anna Martel, who is working on the project, Brenton Cole from Granite Engineering, LLC and Michael Kim of MK Architecture.

Mr. Martel said that they came tonight to get some general feedback from the Board and the public.

Mr. Martel explained that they have four (4) parcels of land under agreement; Tax Map 29 Lots 2, 4, 6 and 10. Lots 2, 4, and 6 are serviced by a right of way that was laid out by DOT to service the frontage for these and the access for these three parcels. It's a limited stretch of RT. 125 (a 50-foot ROW) that didn't seem like it was going to be easy to deal with. They looked into parcel/ lot 10 which has improved frontage on RT. 107. They had conversations with the Department of Transportation (DOT) and Kingston Department of Public Works (DPW), and that access was more suited to get on to the property.

Mr. Martel said that the description about apartments was inaccurate. They are looking at a mixture of single and two-bedroom units; and duplexes that have a first-floor master in them as well. The intent is to appeal to an overall broader market, a broader price point of the market. A different buyer demographic with each of the projects they had coming through. They have no intentions of any rentals in the projects and there was a lot of confusion with the wording of the notice that the general public seemed to believe they were looking for apartment buildings interspersed within it and that is not the case. They intend for this to be a for sale individual unit condominium project. Mr. Martel commented that they have been through the Town regulations and have done a tremendous amount of background research.

They are trying to create a walkable neighborhood with a sense of community and some general areas that would provide social benefit.

Mr. Kim described the conceptual architecture design that was on the overhead and plan that was provided to the Board. What they are trying to accomplish is taking the quintessential New England space, the village green or town common and trying to build a whole community around that. They have a development that is based around the common area and then several spur streets because it is a very large lot. They want to build 3 different typologies; 1) smallest and most common unit will be a duplex home-two individual homes that look like a stately colonial. 2) walk up units with 10 small apartments in them; and 3) a central building. Mr. Kim described more architectural details of the different buildings on the conceptual plan.

Mr. Cole of Granite Engineering gave more information on the technical stuff. He went over the proposed site plan that was on the overhead and the copy of the plan that was provided to the Board. Their goal is to take what Mr. Kim designed and make it conform to the Town regulations as best as possible. The properties combined are equal to 85 acres in size. This is the commercial C-I zoning district. Route 125 is to the west, RT. 107 is to the south, the property is bifurcated by wetlands and there are multiple pockets of uplands and a wetland out back that they are staying away from.

Mr. Cole mentioned that in their preliminary exploration there are nice soils. The intention is to do a mixed-style residential development, which consists of 38 townhome duplexes and 68 garden style units for a total of 106 units. Will be a mixture of one and two bedrooms for a total of 255 bedrooms which is within the Town's density mechanism. The majority of the units are fed by loop roads. The roadways all loop upon themselves so there is no roadway that exceeds the Town's

requirement of 1,000 feet. Roadway B is where the duplexes are, and the roadway leads to a turnaround that meets the Town's fire requirements.

They plan on having amenities. They are not set in stone yet, and thinking a community center, possibly a pool and a gym, community gardens are popular, storage situation out back where someone could have a boat, RV or a trailer so they are not using their parking space along the common green. Roadway A and E do have a couple of wetland impacts so in order to access portions of the property they would have to get wetland impacts done. Mr. Cole pointed them out on the map.

Mr. Cole stated that the roadways out here are designed to be private roads, they are not looking for the Town to take them over, not looking for the Town's involvement on maintenance and looking to deviate from the Town standard for roadways because they are not looking for a typical subdivision. They are not looking for the rural Kingston feel. They are trying to provide a walkable atmosphere and in order to do this they need sidewalks and sidewalks typically come with curbing.

Mr. Cole explained that to create the walking atmosphere they would like to introduce traffic calming mechanisms. Most common one would be to reduce the speed limit down to 20 MPH, which allows them to create tighter curbs which may deviate from what the Town standards may say but do not deviate from their safety protocols that American Association of Highway and Transportation Officials (AASHTO) requires. They will be designed to an engineering standard, not just one that is 30 MPH.

Mr. Cole said that there are no municipal utilities so there will be septic and a public water supply. There will be underground utilities.

They involved a traffic engineer very early on because of the 50-foot ROW to understand what the implications of the intersection were. Now that they have deviated and created a safer intersection, they have been able to use the traffic engineer to assure them that the traffic generated by this property and this project won't be an issue on Depot Rd. This is a state road, it is under state jurisdiction, and it feeds out to RT. 125, which is another state road. He has done his preliminary studies early in the process to make sure this would not create any traffic issues and in his preliminary studies he does not foresee any issues.

For state and Town permitting, Mr. Cole said that they will be requesting a Conditional Use Permit in order to do a multi-family within the commercial zoning district, and they also have a site plan approval process for the Planning Board. The wetlands and wetlands buffers will require permitting with the Town and as well as the wetlands impacts will require permitting with the state. They will need an Alteration of Terrain (AOT) permit. They will have septic permits, public water supply permit, DOT permit, and subdivision permit. There will be multiple eyes looking at this project, engineering wise and conformance wise.

Board comment(s):
Mr. Greenwood said that finding the alternative access is a good thing, He appreciates the multi-family development that uses architectural diversity. This district allows for multi-family development; however, we use the state definition for multi-family and that is 3 or more units. The duplexes would require relief from the ZBA or transition into tri-plexes. Because no new residential

is allowed in this zone other than multi-family, and duplex are not multifamily. The 35-foot roof height limit is going to cause problems for the anchor building. It might also challenge the smaller units on how the 35-foot height is going to be met or they'd have to apply to the ZBA for relief. The idea of the common and ancillary field is a really beautiful concept because it does make the development entirely different. For an application to the Planning Board a would need to have the supporting information like the wetland buffer determinations according to functional value. Also would require some sort of traffic engineering review. This is in the aquifer protection zone so a hydrogeologic study that is going to have to be prepared; and the Planning Board sends them to Dana Truslow of Truslow Resources Consulting in Portsmouth. Mr. Greenwood commented that this is an unusual proposal that is really unusual for this Town.

Mr. Greenwood asked the applicant if there was any element of the project that is being proposed for workforce housing. Mr. Martel said that not currently. When they looked at our workforce housing, we actually visited early on with, Donna Carter, the realtor that was helping them out looking for some clarification of the Town ordinance relative to workforce housing. What they found when doing research in preparation of that is that the market sales prices of the majority or a large majority of these he believes fit the Town's definition numerically of workforce housing but they did not anticipate putting a label on the project of workforce housing and enforcing the oversite and jurisdiction that goes a long with it.

Public comment(s):
Public comment opened at 7:37 PM.

Edward Whitten, 56 Depot Rd.-

- Abutter to the property on the east side of the property.
- Many years ago 50 Depot Rd. was proposed for a 5-unit property. He mentioned that it was said that there was a limitation of 3 acres because of the aquifer protection zone. He is not sure if this is correct or has been changed or modified.

Mr. Bashaw said it depends on which zone you are in, Zone A or B. One requires a minimum of 2 acres, and one requires a minimum of 3 acres. One of the things that happen with Town warrant in 2022 is there was a Town warrant proposal that changed the density requirements for this commercial zone, so it did make changes to the density requirements and allowances within this particular commercial zone.

Jen Sawyer, 52 Depot Rd. –

- Had a question about the traffic studies and will that be public record if this moves forward.

Ms. Duguay said, yes. Mr. Greenwood mentioned we try and post this information on the Town website also.

- Ms. Sawyer asked if abutters would get notified again if there is another application.

Mr. Greenwood said, correct; when a formal application comes through abutters will get a notice in the mail. If the process takes several Planning Board meetings abutters would never get another mailing, at the meeting itself the next meeting date is made aware for everyone and that is likewise posted on the website so anyone can keep up on where the process stands.

Brooks Clarke, 20 Danville Rd. -

- Not an abutter to the property.
- His concern is that a lot of properties in Town have seen a large increase in tax implication. He is worried about what the tax implication is going to be for this property on single family homeowners like himself. He and his wife moved to Kingston 6 years ago because of affordability and is worried that the affordability is going to start going away.
- Is there going to be any type of study on what kind of tax implications will be for people.

Mr. Bashaw said that the Planning Board's job is to review what is legally allowed. Whether it be through zoning and making sure they can conform to all the other rules and regulations that apply to zoning. The Planning Board doesn't have any authority to get involved in taxation base. The Town's ordinances are some of the things that help protect some of those provisions.

Mr. Bashaw made a comment to the applicant that they will need ZBA relief. Because this would be the first buildings of this type of nature in the community, now to meet NFPA requirements I need a 2-million-dollar ladder truck to get to the height. Then to meet National Fire Protection Association (NFPA) will need additional staffing 4 full-time fire fighters, which is how the tax implications could be looked at with the role of a select board. That is his recommendation that people be aware of. Substantial tax impletion to the Town of Kingston that we'd have to pay in perpetuity. The Planning Board doesn't have any purview over the tax implications, there are things that can be done such as impact fees that benefit the Town to prepare for some of the initial costs required through our zoning ordinances but we do not have the purview to require a tax impact study, we cannot make the applicant go through that at the planning level.

Public comment closed at 7:35 PM.

Board discussion:

Mr. Bashaw said that they would be looking for a deviation from building the roads to Town standard. Overall the architecture of the design is beautiful. The development of the roadways is different than what we'd see in traditional subdivisions. The Town has been very hesitant to do that because every developer comes in and says this is going to be a private road and not going to need Town services and as soon as those homes are sold, people question what they are paying for snow plowing and then somebody submits a warrant article asking the Town's people to adopt it as a road then we are paying for that and that is an increase to taxes. These are concerns to have. To feel comfortable that this won't happen if there may need to be language tied to the site plan and the project essentially preventing it from ever being adopted at Town warrant article to become Town roads that are responsible for taxation of the other citizens.

Mr. Coffin said that the road standards that we produce are for the conventional type of subdivision. What they are proposing is something more like downtown Exeter where they are creating a road that maybe meet a state and town standard with curbing and sidewalks and some kind of drainage because that is the biggest issue now a days is the on-site handling of drainage to meet MS4 requirements. For a project of this size perhaps develop standards that exist somewhere else for this type of roadway. If they are ever voted in to be Town roads, they would have to be maintainable and handle runoff for all those requirements in our regulations. Could

Dennis Quintal come up with some kind of standard? This is one of the things he'd be looking at instead of just saying you can build the roads the way you want we are not going to just take them over. They should be built to a standard and that way we'd have some more control over the quality because it is servicing a lot of what will be Town's people.

Mr. Greenwood commented that it would require a lot of input in engineering.

Mr. Bashaw said that his comments where not to say that it is something that the Board would never consider, any decisions we are going to put the burden on the applicant providing data and information and planning that supports that you can sustain what you are proposing to the determination to deviate from the Town standard. The Town is not going to provide that data and map it all out for you. We would expect the applicant to come in proving that this type of environment would work.

Mr. Martel gave a response to the concerns on roads and mentioned some experiences from other projects they have done. He mentioned that what Mr. Cole is proposing in terms of the stormwater treatment stuff that is done on a regular basis under the AOT permit; it's kind of like a site plan as opposed to a subdivision. One of the challenges as they approach a project is the snippets of the ordinance, like making it look like a Town road are applicable to creation and subdivisions of single family standalone lots, but when you take them into site plan setting where you have a Walmart of Market Basket that would have a parking lot with drainage catch basins going to stormwater treatment, they do not fit the same way. We are prepared to address the concerns.

Mr. Martel said they did meet with the road agent in the early stages when the predominate focus was on the 50-foot ROW mess, so a lot of the time was spent talking about how to use that access.

The Board talked about the implications this project has on Town staff. Mr. Cole mentioned they do have a fiscal analysis that is being prepared that will help assess the effect and implications and they will be reaching out to us to talk about what the Town has for rescue services, etc. He brought up the mention to the building height, the building height in this district is he believes is 45 feet. Right now they are proposing something of a similar size, so he believes the fire apparatus that the Town has could fight something 45 feet or in or around this general area. The conditions for the Conditional Use Permit requires something a little bit smaller for the multi-family component. It may not be that the Town doesn't have the apparatus to do it, it is the actual regulation that says got to drop it by 10 feet. They will make sure to speak with the fire chief before pursuing any sort of variance.

Mr. Greenwood mentioned that because they are proposing condos that they will need condo plans and all the documents and associated requirements that go with a condominium development. This information would all be required for the first public hearing.

Mr. Greenwood said if the design review is closing tonight, the design review law states that we have to notify the applicant within 2 weeks that the design review portion has ended, and he just wanted to make sure everybody knew that was the case here.

<Board note: this hearing ended at 7:49 PM>

BOARD BUSINESS

Zoning Ordinances for March 2024 Warrant Articles –

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

Mr. Greenwood explained that for the purposes of the Town's ordinances a "family' are those individuals that occupy a single dwelling unit.

REPLACE the current definition of family with the following:

"13. Family: For the purposes of the Kingston zoning ordinance the term "family" refers to those individuals that constitute the occupants of a single dwelling unit."

The Board agreed to move this definition to the January 2, 2024 public hearing.

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

Mr. Greenwood said that after a few go-arounds with Huddy, there is no clear way for the Town to do a zoning initiative that does the things that we want to do. 1) ensuring that multi-family use can go on the Seminary project so that they can go forward and 2) also allowing the Town to put in protections in the Historic District Zone so we don't run into issues like what happened at 186 Main Street before that go resolved. Huddy's recommendation was to have them present a design review to us as soon as they can. They have applied for a design review hearing for January 2, 2024. By doing a design review they protect themselves for 12 months under the ordinance as they stand.

Mr. Bashaw said they have to submit it prior to the public hearing opening without any changes to the ordinance language.

Mr. Greenwood explained that because we haven't formally had the language to change ordinance. He noted that the language below is the language that was developed early on in the process with a couple of tweaks to clarify the original language regarding ADU's.

Mr. Greenwood noted the Board would need to move this language if comfortable with it to a public hearing on January 2, 2024, then they can have the 12-month protection. If they don't do it within the 12 months they will have to go for a variance. The last word he heard is he understands that they have had substantial movement in using the land across the street at the Bakie School.

AMEND **Article 102.5 A.2 to read as follows:**

"Every building lot in Historic District I that has a dwelling or dwellings thereon shall not have more than one additional structure for use as permitted in accordance with Article 102.5.1. The only instance where two dwellings are allowed to be in separate structures is when one of these is an accessory dwelling unit (ADU) approved to be in a stand-alone structure (i.e., garage, barn, carriage house or other structure). See Article 206 for ADU definitions and requirements."

The Board agreed that they are comfortable with the proposed language for Article 102.5, A.2 moving to the January 2, 2024 public hearing and having it posted.

3. Article 110: COMMERCIAL ZONE C-III, Section 110.3 PERMITTED USES, O.
AMEND **Article 110 Commercial District III, Section110.3 Permitted Uses, O**. by adding "Warehouses" to read:

"O. Wholesale Business **and Warehouses"**

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

Mr. Greenwood updated this language to explain that if an ADU is part of the existing dwelling unit, when the allowed ADU size is constructed, it cannot result in that unit being bigger than the original dwelling unit.

AMEND **Article 206 Accessory Dwelling Unit Ordinance section 206.4 ADU Requirements, E. to read as follows:**

"E. 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. In cases where the ADU is attached to the existing home, internal renovations are not permitted to result in the new ADU being equal in size to the original dwelling unit. The original dwelling unit must be larger in square footage so that the ADU remains accessory. 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."

The Board agreed that the proposed language below will go to January 2, 2024 public hearing.

- **Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – "Industrial"**

The Board discussed that a lot of this language is already in the Industrial Zone ordinance. Mr. Greenwood said that we do not define commercial use or single family residential in our definitions. Maybe we don't go forward with the definition it already exists in the zoning district.

The Board decided to withdraw this article.

Proposed 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, Page 2 - Proposed Zoning Warrant Articles for the March 2024 Ballot with Motions and Decisions discussed at the 12/05/2023 Planning Board Public Hearing-DRAFT1)

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 withdraw the proposed definition of "Industrial" from the public hearing. Seconded** by, Mr. Bashaw. **A vote was taken, all were in favor, the motion passed. (5-0-0)**

5. Article 402: RECREATIONAL CAMPGROUNDS AND CAMPING PARKS –

ADD that campgrounds are permitted in the Rural Residential, Commercial Zones C-I, C-II, C-III. This will also have to be added to each of the districts. This will be done as one warrant article.

The Board agreed that the proposed language will go to January 2, 2024 public hearing. (Full language is available on Addendum II).

Approval of the November 21, 2023 meeting minutes:

MOTION made by Mr. Bashaw **to approve the 11/21/2023 minutes as presented. Seconded** by, Mr. Coffin. **A vote was taken, all were in favor, the motion passed. (5-0-0)**

Proposed Town positions for the warrant ballot

Mr. Bashaw gave an update on the budget items discussed with the BOS related to the Planning Board. They did not approve getting a new copier, they can't commit to it until they get the assessments back on what it is going to cost to upgrade the HVAC and electrical in the Town Hall. There was discussion from the BOS regarding a Town Administrator position, but they decided to hold off. **They want the focus to be on the need for resubmitting the full-time Land Use position of making it full-time.** The BOS feels that pushing this and a part-time person to help in building and assessing office is needed. The BOS will be putting together a mission statement for the next year, and they feel it is appropriate to move in the direction of having a Town Administrator.

ADJOURNMENT

Ms. Duguay declared the meeting adjourned at **8:07 PM.**

***Next Public Meeting is scheduled for Tuesday, January 2, 2024.** Subject to change.**

Proposed Zoning Article Amendments
for the 2024 Warrant Ballot
Planning Board to vote on these at the
01/02/2024 Planning Board Public Hearing
Addendum II

1. Article PREAMBLE II: DEFINITIONS, B. DEFINITIONS – "Family"
Replace the current definition of family with the following:

"13. Family: For the purposes of the Kingston zoning ordinance the term "family" refers to those individuals that constitute the occupants of a single dwelling unit."

2. Article 102: HISTORIC DISTRICT, Section 102.5 DESCRIPTION AND PERMITTED USES, A. HISTORIC DISTRICT I, 2.
Amend Article 102.5 A.2 to read as follows:

"Every building lot in Historic District I that has a dwelling or dwellings thereon shall not have more than one additional structure for use as permitted in accordance with Article 102.5.1. The only instance where two dwellings are allowed to be in separate structures is when one of these is an accessory dwelling unit (ADU) approved to be in a stand-alone structure (i.e., garage, barn, carriage house or other structure). See Article 206 for ADU definitions and requirements."

3. Article 110: COMMERCIAL ZONE C-III, Section 110.3 PERMITTED USES, O.
Amend Article 110 Commercial District III, Section110.3 Permitted Uses, O. by adding "Warehouses" to read:

"O. Wholesale Business **and Warehouses"**

4. 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 read as follows:
"E. 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. In cases where the ADU is attached to the existing home, internal renovations are not permitted to result in the new ADU being equal in size to the original dwelling unit. The original dwelling unit must be larger in square footage so that the ADU remains accessory. 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."

5. Article 402: RECREATIONAL CAMPGROUNDS AND CAMPING

This Proposed Ordinance will replace the current Article 402.

"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 wastewater 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."

- **Amend Article Preamble II: Definitions, B., Definitions by adding a new section 21, to read as follows:**

"21. Recreational Campgrounds and Camping Parks: 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."

Subsequent sections to be re-numbered.

- Amend **Article 104: Rural Residential District section 104.4 Permitted Uses** by adding a new **section L.** to read as follows:

"L. Recreational campgrounds and camping parks."

- Amend **Article 108: Commercial Zone C-I, section 108.5 Permitted Uses** by adding a new **section P.** to read as follows:

"P. Recreational campgrounds and camping parks."

- Amend **Article 109: Commercial Zone C-II, Section 109.5 Permitted Uses** by adding a new **section N.** to read as follows:

"N. Recreational campgrounds and camping parks."

- Amend **Article 110: Commercial Zone C-III, Section 110.3 Permitted Uses** by adding a new **section W.** to read as follows:

"W. Recreational campgrounds and camping parks."

And

Deleting **campgrounds from 110.3, H.**

H. Commercial recreation establishments such as, but not limited to: indoor theaters, bowling alleys, golf courses ~~and campgrounds~~.