

# MINUTES OF THE TOWN MEETING

## MARCH 8, 2011

The Annual Town Meeting was called to order at 8:00 am at the Swasey Gymnasium at the former Sanborn Regional High School by the Moderator, Electra L. Alessio, for the voting by secret ballot for the election of Town Officers, 21 Regular Town Articles, and 9 Zoning Articles, as well as the voting for the election of Officers for Sanborn Regional School District and voting of 4 Regular Articles for the School District.

The Town Clerk, Bettie C. Ouellette, broke the seals on the boxes of ballots and the Moderator inspected the ballot boxes. Four Accu-Vote machines were used for this election.

The ballot clerks were Donna M. Grier, Carol A. Briggs, Ann T. Sullivan, Joanne E. Lambert, Peter J. Sullivan, Gloria M. Parsons, Karyn L. Maxwell, Clinton W. Lane, Ann C. Cyr, Herbert G. Noyes, and Holly Ouellette. The Police Officer was Donald W. Briggs, Jr., Police Chief. The results were announced by the Moderator at 9:15 pm. The ballots were sealed and locked in the vault at 10:00 pm.

The total count was 1,389 (36%), including 69 absentee ballots. Twenty-seven new voters were registered at the polls, bringing the total voters on the checklist to 3,880.

The following results were obtained.

### Selectman for Three Years

Mark Heitz.....1,046\*

### Trustee of Trust Funds for Three Years

Joyce C. Davies .....1,052\*

Krista McLellan .....11\*

### Library Trustee for Three Years

Dannielle Genovese.....956\*

Mary Magnusson .....1,092\*

### Library Trustee for One Year

Lesley-Ann Hume .....981\*

Elaine Van Dyke .....945\*

### Fire Ward for Three Years

Richard "Rick" Fowler, Sr.....1,084\*

### Constable for Three Years

William G. Harvey, Sr.....1,065\*

### Planning Board for Three Years

Glenn Coppelman .....	962*
Adam Pope .....	901*

### Municipal Budget Committee for Three Years

Ronald Conant .....	926*
Mary Fidler .....	895*
Lynn L. Gainty .....	881*

### Municipal Budget Committee for Two Years

Edward Conant .....	1,037*
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### Municipal Budget Committee for One Year

Wanda Millett .....	936*
Michael Morris .....	912*

### Zoning Board of Adjustment for Three Years

Electra L. Alessio .....	988*
Daryl Branch .....	900*

**Article 2:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Kingston Planning Board:

To amend Article 1401, "Zoning Board of Adjustment", to include the following:

**"The Zoning Board of Adjustment shall have those duties and authority granted them per State RSA's 673, 674, 676 and 677."**

YES 899\* NO 311

**Article 3:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Planning Board:

To amend Article 104, Rural Residential District, by adding the following:

#### **104.5 Structure/Dwelling Regulations**

C. after "special exception" add in the phrase "*as noted below*".

J. Special Exception shall meet the following standards:

1. remove "*and industrial*"

Last paragraph: add in the phrase "*by the Zoning Board of Adjustment*"

after the word "granted" and before "formal site plan review"

YES 797\* NO 389

**Article 4:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Planning Board:

**Add the Following language to the end of the second paragraph of section 103.1 Residential District:**

***To eliminate lots with two or more zoning designations the following lots are entirely zoned Single Family Residential***

**On tax map U-7** the following lots will be rezoned to be entirely Single Family Residential: 18,19,21,25,30,31,32,33,34,35,36, 40, 41,42.

**On tax map U-8** Lots 18 and 19 will be zoned entirely Single Family Residential.

**On tax map U-10** Lot 10 will be zoned entirely Single Family Residential

**On tax map R-5**, the following lots will be zoned entirely Single Family Residential: Lots, 4, 1, 1A, 21A, 8-20, 8-21, 8-22

**On tax map R-6**, the following lots will be zoned entirely Single Family Residential: Lots 22, 18-1, 19, 18, 16, 10-4, 10-3, 10-2, 10-1, 8-A, 8B, 1-16, 1-17

**On tax map R-8** all lots with frontage on Hunt Road, Kinneret Drive, Morning Dove Road, or Robin Lane are zoned entirely Single Family Residential except for Lots 34 and 35 that remain C-III.

**On tax map R-9** the following lots will be zoned entirely Single Family Residential: 19A, 19B, 11, 8, 81,

**On tax map R-19** the following lots will be zoned entirely Single Family Residential: Lots 1, 2, 4, 5, 10

**On tax map R-21** the following lots will be zoned entirely Single Family Residential: Lots 6, 7, 8, 31, 32, 23, 24, 26-6, 26-7, 26-8, 26-9

**On tax map R-22** the following lots will be zoned entirely Single Family Residential: Lots 4-3, 4-2, 8, 37

**On tax map R-23** the following lots will be zoned entirely Single Family Residential: Lots 30, 31, 32-5, 32-1, 35, 39Q, 39N, 39I, 39J, 39K, 39L, 39M

**On tax map R-30** lot 57 is entirely zoned Single Family Residential.

**On tax map R-32** the following lots will be zoned entirely Single Family Residential: 1-9, 5.

**On tax map R-33** the following lots will be zoned entirely Single Family Residential: Lots 14, 15, 16, 17, 18, 35

**On tax map R-35** the following lots will be zoned entirely as Single Family Residential: 45-9, 45-10, 45-11, 45-12, 45-13, 45-14, 45-15, 45-16, 45-17, 45-18, 45-19, 45-20, 45-21, 45-22, 45-23, 45-24

**Add the Following language to the end of the first paragraph of section 102.2  
Historic District I:**

***To eliminate confusion, the following lots have frontage in Historic District I  
and are therefore zoned as completely Historic District I:***

**On tax map U-8**, the following lots will become entirely Historic District I: Lots 13, 14, 15, 16, 17.

**On tax map U-9** the following lots will be rezoned so that they are entirely Historic District I: Lots 1, 2, 3, 4, 12, 13, 40, 41, 44, 45, 46, 47, 48, 49, 50, 25, 26, 27, and 28.

**On tax map U-10** the following lots will be re-zoned so that they are entirely within the Historic District I zone: Lots 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 27, 28, 29, 30, 32, 36, 40, and 42

**On tax map U-11** the following lots will be zoned entirely Historic District I: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 14. Kingston State Park will be entirely zoned Historic District I.

**On tax map R-30** Lot 1 is entirely Historic District I.

**On tax map R-34** the following lots are to be entirely zoned as Historic District I: Lots 19, 22, 24, 35, 38, 39, 32, 71B, 70, 71, 72, 74, 75, 76, 77

**Add the Following language to the end of the first paragraph of section 102.3  
Historic District II:**

***To eliminate confusion, the following lots have frontage in Historic District II  
and are therefore zoned as completely Historic District II:***

**On tax map R-35** Lots 1 and 2 will be zoned entirely as Historic District II.

**On tax map R-39** the following lots will be zoned entirely Historic District II: Lots 2, 2A, 3, 3A, 3B, 5, 5A, 6, 6A, 7, 7A, 8, 9, 10, 11-1, 11-2, 11-3, 13, 13A, 17, 18, 19, 39, 40, 40a, 41

**Add the Following language to the end of the first paragraph of section 104.1  
Rural Residential District:**

***To eliminate confusion the following lots that were split between zones are  
now entirely zoned Rural Residential:***

**On tax Map U-8** Lot 12 will be entirely zoned Rural residential.

**On tax Map U-10** lot 35 will be zoned entirely Rural Residential.

**On tax map R-9** the following lots will be zoned entirely Rural Residential: 1-4, 1-5, 1-6, and 80

On tax map R-26 lot 1-2 will be zoned entirely Rural Residential.

On tax map R-30 Lots 40B, 40C and 40D are zoned entirely Rural Residential.

On tax map R-32 Lots 2 and 8 will be zoned entirely Rural Residential.

On tax map R-33 Lots 21 and 30 will be zoned entirely Rural Residential.

Add the Following language to the end of section 105.1 Single Family Residential- Agricultural District:

*To eliminate confusion Tax Map R-34 Lots 41 and 61 will be entirely zoned Single Family Residential - Agricultural.*

Add the Following language to the end of section 109.1 Description of Zone:

*To eliminate confusion Tax Map R-40 lot 8 will be zoned entirely Commercial II.*

Add the Following language to the end of section 110.1,A Description of Zone:

*To eliminate confusion tax map R-8 lots 34 and 35 are zoned C-III.*

YES 756\* NO 411

**Article 5:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Planning Board:

Adopt the following Ordinance:

## **Article 415: Small Wind Energy Systems Ordinance**

### **415.1 Purpose**

This small wind energy systems ordinance is enacted in accordance with RSA 674:21, Innovative Land Use Controls, and the purposes outlined in RSA 672:1-III-a and RSA 674:17-I(j). The purpose of this ordinance is to accommodate distributed generation/small wind energy systems in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

### **415.2 Definitions:**

**A. Fall zone:** The potential fall area for the small wind energy system. It is measured by using 110% of the total height as the radius around the center point of the base of the tower.

**B. Flicker:** The moving shadow created by the sun shining on the rotating blades of the wind turbine.

**C. Meteorological tower (met tower):** Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**D. Net metering:** The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which is fed back into the electric distribution system over a billing period.

**E. Power grid:** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**F. Shadow:** The outline created on the surrounding area by the sun shining on the small wind energy system.

**G. Small wind energy system:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of 60 kilowatts or less and will be used primarily for onsite consumption.

**H. Tower:** The monopole or guyed monopole structure that supports a wind turbine.

**I. Total height:** The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

**J. Tower height:** The height above grade of the fixed portion of the tower, excluding the wind turbine.

**K. Wind turbine:** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

### **415.3 Applicability**

A. **Small Wind Energy System:** Small wind energy systems shall be permitted under a conditional use permit as an innovative land use control pursuant to RSA 674:21 in all zoning districts where structures of any sort are allowed except for Historic District I (HD I) and Historic District II (HD II). In the Single Family Residential District small wind energy systems shall not exceed 10 kilowatts and must comply with the Town's Noise Standards Ordinance.

B. **Approval:** No small wind energy system shall be erected, constructed, installed or modified without first receiving a conditional use permit from the Planning Board, as outlined in section D.

#### 415.4 Procedure for Review

- A. Conditional Use Permit: In accordance with RSA 674:21, a small wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof. The issuance of a conditional use permit shall abide with the following requirements:
1. Building Permit: A building permit shall be required for the installation or modification of a small wind energy system.
  2. Site Plan Review: Prior to issuance of a building permit, a site plan shall be submitted to the Planning Board for review. The applicant shall follow the procedural requirements of the site plan review regulations, RSA 674:62- Regional Notification for Small Wind Energy Systems and RSA 676:4- Board's Procedures on Plats. The site plan shall include the following:
    - a. Location, dimensions, and types of existing major structures on the property.
    - b. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment
    - c. Setback requirements as outlined in this ordinance.
    - d. The right-of-way of any public road that is contiguous with the property.
    - e. Any overhead utility lines.
    - f. Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed).
    - g. If the small wind energy system will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind energy system.
    - h. Tower foundation blueprints or drawings.
    - i. Tower blueprint or drawings.
    - j. Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.
    - k. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (usually provided by the manufacturer).
    - l. Estimated costs of physically removing the small wind energy system to comply with surety standards.
    - m. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
    - n. The site plan must be stamped by a professional engineer licensed to practice in the state of New Hampshire.

- B. Meteorological (Met) Towers: The construction of a met tower for the purpose of collecting data to develop a small wind energy system, shall abide with the following requirements;
1. The construction, installation or modification of a met tower shall require a building permit and shall conform to all applicable sections of the state building code.
  2. Met towers shall be permitted on a temporary basis not to exceed 3 years.
  3. Met towers shall adhere to the small wind energy system standards.
  4. A conditional use permit is not required to construct, install or modify a met tower. Prior to the issuance of a building permit, the building inspector shall ensure the met tower complies with the small wind energy system standards.

#### **415.5 Conditional Use Permit Standards**

- A. Through the conditional use permit review process, the small wind energy system shall be evaluated for compliance to the following standards;
1. Setbacks:
    - a. Small wind energy system shall be set back a distance equal to 110% of the total height from:
      - i) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
      - ii) Any overhead utility lines.
      - iii) All property lines, unless the affected land owner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with the abutting property.
      - iv) Any travel ways to include but not be limited to driveways, parking lots, nature trails or sidewalks.
- B. The said system shall be set back a distance equal to 150% of the tower height from any occupiable structure on an abutting property.
- C. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
- D. The setback shall be measured to the center of the tower's base.



E. Guy wires used to support the tower are exempt from the small wind energy system setback requirements but must meet minimum lot line setbacks for structures.

1. Tower:

- a. Wind turbines may only be attached to freestanding or guy wired monopole towers. Lattice towers are explicitly prohibited.
- b. The tower height shall not exceed 150 feet.
- c. The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

2. Sound Level: The small wind energy system shall comply with the Town's Noise Standards Ordinance.

3. Shadowing/Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

4. Signs:

- a. All signs, both temporary and permanent, are prohibited on the small wind energy system, except as follows:
  1. Manufacturer's or installer's identification on the wind turbine.
  2. Appropriate warning signs and placards.

5. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

6. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424. Evidence of compliance or non-applicability shall be submitted with the application.

7. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the wind resources.

- a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground

mounted electrical and control equipment. All electrical conduits shall be underground.

b. The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.

c. A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

F. Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

G. Access:

1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

H. Approved Wind Turbines: The manufacturer and model of the wind turbine to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

I. Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

#### **415.6 Abandonment**

- A. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- B. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

1. Removal of the wind turbine and tower and related above grade structures.
  2. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
- C. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Building Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
- D. If the owner fails to respond to the Notice of Abandonment or if after review by the Building Inspector it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind turbine and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the town shall have the authority to enter the subject property and physically remove the small wind energy system.
- E. The Planning Board may require the applicant to provide a form of surety (i.e., post a bond, letter of credit or establish an escrow account or other) at the time of construction to cover costs of the removal in the event the town must remove the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

#### **415.7 Violation**

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in the site plan review issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

#### **415.8 Penalties**

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676.

#### **415.9 Waiver Provisions**

The Planning Board may waive any portion of this ordinance in such cases where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this ordinance.

YES 817\* NO 401

**Article 6:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Planning Board:

To amend Article 302, Outdoor Lighting, by adding the following:

**302.4 Control of Glare - Luminaire Design Factors:**

**D. Add in the phrase “compact fluorescent lamp (CFL) or light emitting diode (LED)” after “metal halide lamp”, and add “and light emitting diode lamps are commercially available” after “Note: compact fluorescent lamps”.**

YES 883\* NO 330

**Article 7:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Planning Board:

To amend Article 303, Signs, by amending the following:

**303.3 C. Provisions**

**1. Change “does not exceed one (1) sq. ft. in area” to “does not exceed two (2) sq. ft. in area”.**

YES 812\* NO 360

**Article 8:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Planning Board:

To amend Article 410, Telecommunications, by amending the following:

**410.9 Change “provision in the Subdivision Regulations” to “provision in the Site Plan Regulations”.**

**410.4 B Replace the existing table with the following table:**

	New Tower Construction <sup>1</sup>	Co-location on Pre-existing Tower <sup>2</sup>	Co-location on Existing Structure <sup>3</sup>
Rural Residential	PCU	P	PCU
Single Family Res./Agricultural	X	X	X

Single Family Residential	X	X	X
Commercial I	X	PCU	X
Commercial II	PCU	P	PCU
Commercial III	PCU	P	PCU
Historic Districts	X	X	X
Industrial	PCU	P	PCU

YES 711\* NO 335

**Article 9:** The voters adopted the following amendment to the town Zoning Ordinance as proposed by the Planning Board:

To amend Article 108, Commercial Zone I, by amending the following:  
108.7.C.6, **Add in the following language:**

a. **Certification of Income Levels.** To ensure that only eligible households purchase/rent the designated affordable housing units, the purchaser/renter of an affordable unit must submit copies of their last three years federal income tax returns and written certification, verifying that their annual income level, combined with household assets, does not exceed the maximum level as established by this ordinance. The tax returns and written certification of income and assets must be submitted to the developer of the housing units, or the developer's agent, prior to the transfer of title. A copy of the tax return and written certification of income and assets must be submitted to all parties charged with administering and monitoring this ordinance, within 30 days following the transfer of title.

b. **Assurance of continued affordability.** Affordable units offered for sale shall require a lien, granted to the Town of Kingston be placed on each affordable unit. The value of the lien shall be equal to the difference between the fair market value of the unit and its reduced affordable sale price, which is indexed according to the qualifying income standards. The municipality's lien is inflated over time at a rate equal to the Consumer Price Index (CPI). Future maximum resale values shall be calculated as the fair market value minus the CPI adjusted lien value. Subsequent sales are not limited based on income targets, but the combination of maintenance of the municipality's lien and adherence to this Article's definition of affordable housing for a period of 30 years.

c. **Documentation of restrictions.** Deed restrictions, restrictive covenants, or contractual arrangements related to dwelling units established under this Article must be set forth on all plans filed with the Town's Planning Board and with the Registry of Deeds. Ongoing responsibility for monitoring the compliance with resale and rental restrictions on affordable units shall be the responsibility of a monitoring agency of the Planning Board's choice including, but not limited to, the New Hampshire Housing Finance Authority. If the Planning Board's choice for monitoring and compliance is the New Hampshire Housing Finance Authority then the owner of said affordable units shall follow the requirements as set forth in

the New Hampshire Housing Finance Authority's Model for  
Homeownership Affordability Retention Lien as amended

108.7.C.10: Buffer Zone/Landscaping

1. Each Site Plan approval shall include appropriate buffer areas. The purpose for these buffering provisions is to minimize the impact between traditional commercial uses and multifamily residential use. These buffer areas are to be at least fifty feet in width and maybe required to be wider if deemed necessary by the Planning Board. No parking shall be located within any part of the buffer zone.
2. Each site plan submitted for approval by the Planning Board shall include a landscaping plan that incorporates appropriate landscaping to serve as both visual and sound buffering from abutting parcels. The extent of landscaping materials necessary to achieve this required buffering is to be established on a site by site review using the following standards. Landscaping shall be maintained as approved.

c. Landscape Buffer Requirements

Landscaped buffers shall be provided where required by this section and shall conform to the standards in the bufferyards illustrated on the attached pages. Fifty percent (50%) of all trees in such buffer areas shall be of the evergreen species. Trees and shrubs shall conform to the following standards:

1. Deciduous trees shall be planted at least three inches (3") in caliper measured six inches (6") above the root ball, with a mature height of at least 12 feet.
2. Fruit and ornamental trees shall be planted at two inches (2") in caliper measures six inches (6") above the root ball, with a mature height of at least 12 feet.
3. Evergreen trees shall be coniferous species planted at least six feet (6') in height.
4. Shrubs shall be either deciduous species planted at 2.5 feet in height with a mature height of at least six feet or evergreen species planted at 2.5 feet in spread.
5. Existing natural growth that meets the requirements of buffering stated above, will be considered as part of the screen.
6. If deemed appropriate by the Planning Board stockade fencing may be used as a suitable screening material.

7. Any planted vegetative buffer is expected to reach maturity and fully screen the developed project within five years. If the planted buffer does not fully screen the proposal at the end of five years the planning board may/shall contact the property owner to assess ways of correcting the buffering deficiencies.

b. Front Yard Buffers:

Landscaped treatments of the front yard are required for all proposals and shall include, seeded lawn, evergreen cover, trees, shrubs, or a combination thereof.

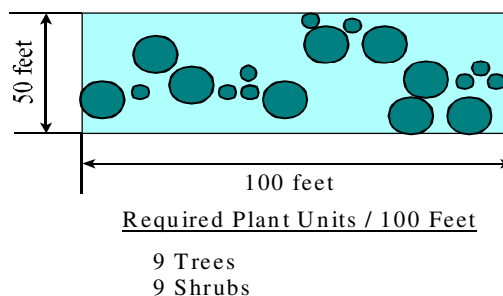
c. Side and Rear Yard Buffers:

Landscaped treatments are required for side and rear yards for all proposals. These buffers should follow the parameters of the "A" bufferyard on the attached diagram if the buffer yard is between similar uses. If the buffer yard separates commercial use from residential uses the "B" bufferyard standards shall be utilized. (See Diagrams Below)

3. Bonding of Landscape Improvement

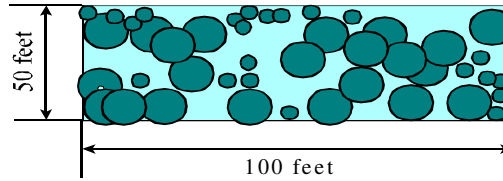
The Planning Board shall require a bond in an amount to cover the cost of 100% of all landscape improvements. These improvements shall include the cost of all plant materials, seed, mulch, topsoil, construction of berms and labor necessary to implement the landscape plan. This bond will remain in effect for five years. 15% of this bond shall be kept in excess of five years to insure the required landscaping survives.

A Bufferyard



Typical diagram, not to scale

## B Bufferyard



Required Plant Units / 100 Feet

22 Trees

22 Shrubs

Typical diagram, not to scale

YES 810\*      NO 381

**Article 10:** The voters did not re-zone the following three (3) lots to Commercial II exclusively, subject to the governance of Article 109: Commercial Zone C-II of the current Town of Kingston, (NH) Ordinances, Rules and Regulations publication, being those three (3) lots identified and delineated on Kingston, NH Tax Map R-34 numbered 1,54 and 71B. The passage of this Warrant Article would have superseded any other zoning designation of these lots as voted for at the March 2011 Kingston Town Meeting and election. (Submitted by Petition)

YES 290      NO 923\*

**Article 11:** The Town did not vote to raise and appropriate the sum of \$1,897,000.00 for the purpose of constructing a new municipal library as presented by the Library Board of Trustees to be located at Tax Map R33-21-2 and for equipment and furnishings, architectural fees, site development, professional service fees and any items incident to and/or necessary for said construction, and to authorize the issuance of not more than \$1,897,000.00 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon. In order to allow the majority of voters to decide how to fund the Library, if both Article 11 and Article 22 passed, the option that received the higher number of votes would have taken precedence. A three-fifths affirmative vote was required for passage of this article.

YES 514      NO 812\*

**Article 12:** The Town voted to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant, or as amended by vote of the first session, for the purposes set forth therein, totaling \$ 4,462,647.00. Should this article be defeated, the default budget shall be \$4,499,060.00, which is the same as last year, with certain adjustments required by previous action of the Town or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13, X & XVI to take up the issue of a



revised operating budget only. This operating budget warrant article does not include appropriations contained in any other warrant articles.

YES 1,011\* NO 288

**Article 13:** The Town voted to authorize the Tax Collector to allow a 1½% deduction from Property Tax when payment is made within 30 days of billing.

YES 1,291\* NO 54

**Article 14:** The Town voted to raise and appropriate the sum of \$50,000.00 to be placed in the previously approved Town Buildings Maintenance and Repairs Capital Reserve Fund.

YES 941\* NO 386

**Article 15:** The Town voted to raise and appropriate the sum of \$75,000.00 to be placed in the previously approved Highway Department Equipment Replacement Capital Reserve Fund?

YES 902\* NO 402

**Article 16:** The Town voted to authorize the Board of Selectmen to establish a municipal water district, to have the ability to protect water rights of the Town of Kingston from outside agencies/municipalities/developers from exporting without input from the Town. To create this protection, the Town must establish a water district through specific legal language: "Shall the Town vote to authorize the Board of Selectmen, pursuant to NH RSA Chapter 38, to establish a municipal water utility, to accept future dedications of water utility infrastructure, plant and property which the Selectmen judge to be suitable for establishing a municipal water utility, with the further understanding that any agreement to accept or acquire such plant or infrastructure shall either be paid for from monies appropriated for general government purposes, or alternately, in the selectmen's discretion, any agreement to acquire or determination of acquisition price shall be presented to a future Kingston Town Meeting for approval and ratification prior to final acquisition of water utility property?" A two-thirds affirmative vote was required for passage of this article.

YES 1,044\* NO 275

**Article 17:** The Town voted to raise and appropriate the sum of \$75,000.00 to be placed in the previously established Fire Department Capital Reserve Fund for Apparatus Replacement.

YES 846\* NO 475

**Article 18:** The Town did not vote to change the purpose of an existing special revenue fund known as the Ambulance Replacement Fund to include expenditures for the purpose of purchasing ambulance equipment. A two-thirds affirmative vote was required for passage of this article.

YES 760 NO 519\*

**Article 19:** The Town voted to raise and appropriate the amount of \$20,000.00 for the purpose of renovating the former YWCA land, buildings and equipment located at 24 Main Street in Kingston (Tax Map U5, Lot 62) for use as a community recreation facility, and to authorize withdrawal and expenditure of that amount from the existing Recreation Capital Reserve Fund.

YES 971\* NO 334

**Article 20:** The Town voted to raise and appropriate the amount of \$30,000.00 (this is in addition to the \$20,000.00 from the Recreation Capital Reserve Fund) for the purpose of repairing and renovating the former YWCA land, buildings and equipment located at 24 Main Street in Kingston (Tax Map U5, Lot 62) for use as a community recreation facility.

YES 743\* NO 536

**Article 21:** The Town voted to revoke the Town of Kingston Infrastructure Development, Improvement and Maintenance Fund ("Infrastructure Fund") established in 2007, for the purpose of withdrawing \$1,897,000.00 from the principal balance of \$6,000,000.00 of the Infrastructure Fund in accordance with Article 22 for the construction of a new municipal library and reestablishing a fund with the remaining balance of \$4,507,735.34, in accordance with Article 23. This Warrant Article is contingent on the passage of Article 22 and Article 23. If either Article 22 and Article 23 do not pass (Library Construction or the establishment of the 2011 Infrastructure Fund) this Warrant Article becomes moot and has no effect. In order for the Town to take advantage of the current Infrastructure Fund, Articles 21, 22, and 23 all must pass.

YES 674\* NO 646

**Article 22:** The Town voted to raise and appropriate the sum of \$1,897,000.00 for the purpose of constructing a new municipal library as presented by the Library Board of Trustees to be located at Tax Map R33-21-2 and for equipment and furnishings, architectural fees, site development, professional service fees and any items incident to and/or necessary for said construction, and such sum to come from the remaining balance of the Infrastructure Fund which was revoked in Article 21. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until December 31, 2013. This Warrant Article is contingent on the passage of Article 21 and Article 23. If either Article 21 and Article 23 do not pass (Revocation of the current Infrastructure Fund or establishment of the 2011 Town of Kingston Infrastructure Fund) this Warrant Article becomes moot and has no effect. In order for the town to take advantage of the current Infrastructure Fund, Article 21, 22, and 23 all must pass.

YES 681\* NO 651

**Article 23:** The Town voted to create a general trust fund under the provisions of RSA 31:19-a II to be known as the "2011 Town of Kingston Infrastructure Fund" for the purpose of building, expanding, improving, and maintaining Town owned structures and improvements and to raise and appropriate the sum of \$4,507,735.34, such sum to come from the remaining balance of the Infrastructure Fund which was revoked in Article 21 and no amount to be raised by taxation. The sum of \$4,103,000.00 shall remain in Trust and will not be invaded. Only monies earned through investment, including but not limited to

interest and dividends and the interest and dividend money earned on the "Town of Kingston Infrastructure, Development, Improvement and Maintenance Fund" as of December 31, 2010, including any interest accumulated through March 2, 2011 will be available to support the purpose of the Trust Fund. The Selectmen are appointed agents to expend earnings of the Trust Fund for the purpose of the Trust, after a posted public hearing. The intent of this Article is to create a Revocable Trust, generating annual earnings for the benefit of the Town in perpetuity. If either Article 21 and Article 22 do not pass (Revocation of the current Infrastructure Fund or Library Construction) this Warrant Article becomes moot and has no effect. In order for the town to take advantage of the current Infrastructure Fund, Articles 21, 22, and 23 all must pass.

YES 668\* NO 652

**Article 24:** The Town voted to raise and appropriate the sum of \$5,000.00 for the purpose of broadcasting Town meetings and hearings over the Cable Channel for the Town of Kingston, including any necessary training on the video equipment. Further, this \$5,000.00 to be funded from the Cable Franchise Fees paid to the Town of Kingston, received annually at an approximate amount of \$90,000.00.

YES 812\* NO 481

**Article 25:** The Town voted to raise and appropriate the sum of \$5,000.00 for the purpose of a fireworks display during the 2011 Kingston Days Celebration.

YES 844\* NO 502

**Article 26:** The Town voted to raise and appropriate the sum of \$182,000.00 to purchase a conservation easement on approximately 80 acres of land located on Little River Road and shown on Tax Map R34 as lot 44, and allow withdrawal of \$182,000.00 from the Land Acquisition Capital Reserve Fund for this purchase in order to permanently conserve the land. Further, to authorize the Board of Selectmen to accept any funds from the State of New Hampshire, the federal government, or private sources to support the permanent protection of this land. This purchase will conserve the Town's rural character, help stabilize the tax base, and ensure that an area prime for residential development does not have a significant negative impact on taxes because of the need for increased Town services such as education, fire and police. This purchase will be in partnership with the Southeast Land Trust of New Hampshire, a non-profit conservation organization, which will hold a conservation easement on the land. This article is contingent upon receipt of funds of \$135,000.00 from the Federal Farm and Ranchland Protection Program or other sources. This will be a non-lapsing appropriation per RSA 32:7, VI, and will not lapse until the easement is purchased or by December 31, 2015, whichever is sooner.

YES 950\* NO 380

**Article 27:** The Town voted to raise and appropriate the sum of \$28,000.00 to be placed in the Land Acquisition Capital Reserve Fund for the future purchase of development rights, conservation easements and other land acquisition to stabilize the tax base, maintain large tracts of land as such, and to help ensure that the development of additional large multi-house subdivisions do not have significant impact on taxes for town services such as education, fire and police.

YES 896\* NO 428

**Article 28:** The Town voted to create a Capital Reserve Fund under the provisions of RSA 35:1, to be named "The Powwow Pond Preservation Fund", for the maintenance of the area from the New Boston Boat Launch through the remaining open bays, and to raise and appropriate \$2,500.00 to be placed in this fund, with the Board of Selectmen as agents to expend said funds.

YES 707\* NO 610

**Article 29:** The Town voted to raise and appropriate the amount of \$2,500.00 to support Child and Family Services, which provides accessible and affordable programs to children, youth and their families leading to stronger family connections, improved school performance and better citizenship.

YES 1,107\* NO 228

**Article 30:** The Town voted to raise and appropriate the amount of \$2,380.00 to support Rockingham Nutrition & Meals on Wheels Program's service providing meals for older, homebound and disabled Kingston residents in the Town's 2011 budget.

YES 1,238\* NO 111

**Article 31:** The town voted not to accept Ash Drive as a town road. This road is 1/5 of a mile in length and provides access to the 40 units of Rowell Estates, an over-55 development.

YES 508 NO 810\*

Results were announced at 9:15 pm.

Respectfully submitted,

*Bettie C. Ouellette*

Bettie C. Ouellette  
Kingston Town Clerk