

Minutes of the Town Meeting
March 10, 2020

The Annual Town Meeting was called to order at 8:00 AM at the Swasey Gymnasium at 178 Main Street, Kingston, by Moderator, Electra Alessio for the election of Town Officers, 24 regular Town Articles, and 3 Zoning Articles, as well as the voting for the election of Officers for Sanborn Regional School District, with 10 regular Articles for the School District.

Electra Alessio, Moderator swore in Election Officials Tammy Bakie, Mark Heitz, Kevin St.James, Phillip Coombs, Donald W. Briggs, Jr., Richard Wilson, Holly Ouellette, Gail Ramsey, Janet Hart, Barry Sargent, Deb Powers, John Whittier, Brad Maxwell, Karyn Maxwell, and Bart Noyes. The Supervisors of the Checklist, Chairman Charlotte Boutin, Traci Conlon, and Ken Isaacs, were also sworn in by the Moderator for duty.

Total count of cast ballot including absentee ballot was 1362 total registered voters on checklist are 4677, which indicates 29% participation.

The following results were obtained:

Moderator

Ellen L. Faulconer.....1047*

Selectman for Three Years

Electra L. Alessio.....791*

Sharon E. Berube.....372

Supervisor of the Checklist for Two Years

Claudine A. Dias998*

Charlotte Boutin.....17

Supervisor of the Checklist for Six Years

Linda Brown971*

Charlotte Boutin.....14

Trustee of the Trust Fund for Three Years

Stephen D. Farrington.....986*

Library Trustees for Three Years

Heidi C. Blais.....856*

Maria C. Broderick.....835*

Library Trustee for One Year

Nell Fillmore.....	681*
Stanley Shalett.....	301

Planning Board for Three Years

Glenn G. Coppelman.....	678*
Michael C. Matayabas.....	378
Lynne Bartlett Merrill	847*

Budget Committee Member for One Year

Stanley Shalett.....	826*
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Budget Committee Member for Two Years

Richard "Rick" Russman.....	921*
Kimberley Scott-Donahue	783*
James P. Lavalley.....	756*
John W. Pramberg.....	712*

Budget Committee Member for Three Years

Heather Hanlon.....	795*
Charles A. Hart.....	761*
Annemarie Roth.....	742*

Zoning Board of Adjustment for Three Years

Electra L. Alessio.....	994*
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ARTICLE 2: Are you in favor of the following amendment, as proposed by the Planning Board, to amend the Ordinances, Rules and Regulations of the Town of Kingston, Article Preamble II: Definitions, to include the following:

Dwelling Unit, Single Family: A detached building designed for or occupied exclusively by one family; sole ownership of the land and building by the property owner in "fee simple" ownership.

Dwelling Unit, Duplex: A building designed and/or used exclusively for residential purposes and containing two principal dwelling units separated by a common party wall or otherwise structurally attached.

Multi-Family; Multi-Family dwellings: Any building or structure containing more than two (2) dwelling units.

Condominium: Means real property and any interests therein. Lawfully submitted to RSA 356-B, by the recordation of condominium instruments pursuant to the provisions of RSA 356-B. No project shall be deemed a condominium within the meaning of RSA 356-B unless the undivided interests in the common area are vested in the unit owners. A condominium is the absolute ownership of a unit in a multiunit building or development, based on a legal description of the space the unit actually occupies, plus an undivided interest in the ownership of the common elements, which are owned jointly with the other condominium unit owners. Condominiums are not considered a single family dwelling.

**RECOMMENDED BY THE PLANNING BOARD
YES 997**

NO 239

ARTICLE 3: Are you in favor of the following amendment, as proposed by the Planning Board, to amend Article 104, Rural Residential District, Section 104.5 Structure/Dwelling Regulations, E. Setback and Buffering, 2. Side and Rear, to read as follows:

2. Side and Rear: New buildings shall be set back 20 feet from the side and rear lot lines.

When Commercial use is taking place on property in the Rural Residential District that abuts residential use, a 50-foot vegetated buffer shall be suitably planted and permanently maintained: plantings will be no less than 50% evergreen for year-round screening.

Additional setbacks may be required for compliance with other applicable regulations and ordinances, including but not limited to, Wetlands, Shoreland, and Aquifer Protection.

**RECOMMENDED BY THE PLANNING BOARD
YES 954**

NO 296

ARTICLE 4: Are you in favor of replacing the existing Article 206 with the following:

206.1 AUTHORITY

This section is enacted in accordance with the provisions of RSA 674:71.

206.2 PURPOSE AND OBJECTIVES

The purpose of the accessory dwelling unit provision is to provide increased flexibility with respect to housing alternatives for families in Kingston while maintaining health, safety, aesthetics and quality of the Town's neighborhoods.

The objectives of this Section are to:

- A. Provide for the construction of accessory dwelling units in single-family dwelling units, thereby lessening fluctuations in the demand for Town services, e.g.: education and elderly care;
- B. Add more units to the housing stock to meet the needs of smaller households, both young and old;
- C. Protect stability and property values in Single Family Residential, Single Family Residential-Agricultural, Rural Residential and Historic I and II Zoning Districts by ensuring that accessory dwelling units are installed only in owner-occupied single-family houses and under such additional conditions as to protect the health, safety, and welfare of the public;
- D. To retain the appearance of a single-family property, whether the Accessory Dwelling Unit is contained within, connected to, or detached from the primary residential structure;
- E. To affirm that an accessory dwelling unit may be deemed a unit of workforce housing for the purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58 IV for rental units.

206.3 DEFINITIONS

- A. **Accessory Dwelling Unit (ADU):** One apartment, provided it is located within a single-family dwelling, or detached structure on a single-family dwelling site, and is clearly a subordinate part thereof, and has safe and proper means of entrance and exit, and meets the requirements set forth in Section 206.4.
- B. **Multi-Family Structure:** A structure (new or existing) with two or more dwelling units.

206.4 ADU REQUIREMENTS

- A. The proposed use must conform to the dimensional requirements of a single-family lot and meet all existing building requirements.
- B. Accessory dwelling units in a multi-family structure are prohibited.
- C. The single-family dwelling shall not be located within an innovative zoning development.
- D. The ADU shall be designed so that the appearance of the property remains that of a single-family use. When the dwelling unit is not in a detached structure, there shall be one door located along/through an adjoining wall to the primary living area and one egress shall be located on the side or in the rear of the building. *(Amended 3/10/15)*
- E. The size of the ADU shall not be smaller than 600 square feet. The maximum size of the ADU shall Not Exceed 1/3 of the size of the primary single family dwelling. 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.

- F. Either the principal residence to which an ADU is to be added, or the ADU, shall be, and continue to be, owner occupied.
- G. Up to two bedrooms are permitted in the accessory dwelling unit.
- H. Off-street paved or gravel parking shall be provided for at least four (4) vehicles.
- I. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.
- J. The applicant for a conditional use permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced. If deemed necessary by the Health Officer, evidence shall be provided in the form of certification by a State of NH licensed septic system designer.
- K. The owner shall provide a floor plan of one-quarter inch (1/4") to the foot scale of the dwelling and proposed ADU.
- L. The owner shall provide a sketch plan (drawn to scale) of the lot, with existing and proposed structures, setbacks and parking shown.
- M. Evidence must be submitted to the Building Inspector that all building requirements can be met.
- N. A proposed ADU which will alter the exterior of any building or will be a detached ADU, will require application for a Conditional Use Permit from the Planning Board.
- O. An ADU proposed in one of Kingston's Historic Districts which will alter the exterior of any building or will be a detached ADU, will require approval from the Historic District Commission prior to application for a Conditional Use Permit from the Planning Board.

206.5 CONVERSION OF EXISTING ACCESSORY FAMILY APARTMENT TO ADU

If a property owner has an approved accessory family apartment, or an ADU approved under an earlier version of this ordinance, it is deemed to meet the standards of this ordinance. The property owner is responsible for documentation that their existing accessory family apartment was approved by the Town.

206.6 CONDITIONAL USE PERMIT

A Conditional Use Permit is required for any proposed ADU that either expands the footprint of the primary single-family dwelling, or is contained in a detached structure.

A. Procedure on application:

1. A Conditional Use Permit application shall be filed with the Planning Board.
2. The Planning Board shall act upon the Conditional Use Permit application in accordance with the requirements of RSA 676:3.

B. A Conditional Use Permit may be granted by the Planning Board for construction of an ADU provided that the Board determines all of the ADU requirements outlined in 206.4 herein have been met.

206.7 DENIAL AND APPEAL

In such cases as the Planning Board may deny a Conditional Use Permit under this section, it shall supply the applicant with a letter citing the reasons for such denial. An appeal of a Planning Board Conditional Use Permit is made to Superior Court.

RECOMMENDED BY THE PLANNING BOARD

YES 781

NO 404

ARTICLE 5: To see whether the Town shall vote to raise and appropriate the sum of \$5,825,628 for the purpose of building a new fire station on Town owned land at 148 Main St (behind current fire station) and to authorize the issuance of not more than \$ 5,595,602 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon. Further to authorize the withdrawal of \$ 230,026 (remaining balance) from the Capital Reserve Fund established for the Future Replacement, Refurbishment or Upgrade of Fire Department Buildings in 2004. This project shall include architectural and engineering design work, building construction, site work, permit fees and interior equipage. This will be a non-lapsing warrant article pursuant to RSA 32:7, III and the appropriation will not lapse, unless rescinded, until the completion of the project. This project is in the Capital Improvements Program as approved by the Planning Board. Passage of this article requires a 3/5 ballot votes.

There is no tax impact for 2020 (first bond payment will occur in 2021.) estimated tax impact for 2021 is \$ 0.49 per thousand dollars of assessed valuation (\$ 127 per average house assessed for \$260,000).

If Articles 7,8 and 9 all pass the amount to be bonded will be reduced to \$3,000,000. For this amount bonded the estimated tax impact for 2021 is \$.26 per thousand dollars of assessed valuation (\$68. Per average house assessed for \$260,000).

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 7-2

YES 862

NO 475

ARTICLE 6: Shall the Town of Kingston 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 \$ 6,152,870? Should this article be defeated, the default budget shall be \$5,927,089, which is the same as last year, with certain adjustments required by previous action of the Town of Kingston or by law; or the governing body may hold one special meeting in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 805

NO 500

ARTICLE 7: To see if the Town will vote to revoke the "2011 Town of Kingston Infrastructure Fund", for the purpose of withdrawing \$2,595,602.00 from the principal balance of \$5,430,435.00 of the Infrastructure Fund to apply towards the construction of a new fire station in accordance with Article 8 (to reduce the amount to be raised through the sale of bonds) and reestablishing a fund with the remaining balance of \$ 2,834,833.00 in accordance with Article 9. This Warrant Article is contingent on the passage of Article 5, Article 8 and Article 9. If Article 5 (construction and bonding of new fire station), Article 8 (allocation of proceeds from the revoked fund to reduce amount bonded) and Article 9 (establishment of the 2020 Infrastructure Fund) all do not pass, this Warrant Article becomes moot and has no effect. This Article shall have no tax impact.

RECOMMENDED BY THE BOARD OF SELECTMEN 3-1

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 869

NO 454

ARTICLE 8: To see if the Town will vote to raise and appropriate the sum of \$ 2,595,602.00 for the purpose of constructing a new fire station in accordance with Article 5, such sum to come from the remaining balance of the Infrastructure Fund which was revoked in Article 7 to reduce the amount to be raised through the sale of bonds to \$ 3,000,000.00. This Warrant Article is contingent on the passage of Article 5, Article 7 and Article 9. If any of Article 5, Article 7 and Article 9 do not pass (Construction and bonding of new fire station, Revocation of the current Infrastructure Fund or establishment of the 2020 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, Articles 7,8 and 9 all must pass. This Article shall have no tax impact.

RECOMMENDED BY THE BOARD OF SELECTMEN 3-1

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 860

NO 464

ARTICLE 9: To see if the Town will vote to create a general trust fund under the provisions of RSA 31:19-a II to be known as the "2020 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 \$ 2,834,833.00 such sum to come from the remaining balance of the Infrastructure Fund which was revoked in Article 7 and no amount to be raised by taxation. The sum of \$ 2,834,833.00 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, 2019, including any interest accumulated through March 2, 2020 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. This Warrant Article is contingent on the passage of Article 5, Article 7 and Article 8. If any of Article 5, Article 7 and Article 9 do not pass (Construction and bonding of new fire station, Revocation of the current Infrastructure Fund or allocation of proceeds from the revoked fund to reduce amount bonded) this Warrant Article becomes moot and has no effect.

RECOMMENDED BY THE BOARD OF SELECTMEN 3-1

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 840

NO 411

ARTICLE 10: To see if the Town will vote to authorize the Tax Collector to allow a 1½% deduction from Property Tax when payment is made prior to the due date. It is the responsibility of the taxpayer to take the deduction; deductions not taken by the taxpayer on or before the due date will not be refunded. (Majority vote required)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 1208

NO 81

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of \$50,000.00 to be placed in the previously established Buildings Maintenance Capital Reserve Fund. (Majority vote required)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 919

NO 342

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of \$100,000.00 to be placed in the previously established Highway Department Equipment Capital Reserve Fund. (Majority vote required)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 884

NO 366

ARTICLE 13: To see if the town will vote to raise and appropriate the sum of \$137,800 for masonry work at the Nichols Memorial Building and authorize the withdrawal of \$137,800 from the Building Maintenance capital reserve fund created for that purpose. Recommendations Required. (Majority vote required) (If this Article passes there will be no tax impact.)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 877

NO 387

ARTICLE 14: To see if the Town will vote to raise and appropriate the sum of \$85,000.00 to be placed in the previously established Fire Apparatus Replacement Capital Reserve Fund. (Majority vote required)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

NOT RECOMMENDED BY THE BUDGET COMMITTEE 4-5

YES 613

NO 640

ARTICLE 15: To see if the town will vote to raise and appropriate the sum of \$ 29,106 for the purpose of purchasing acoustical panels for the Town Hall meeting room. (Majority vote required)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 549

NO 710

ARTICLE 16: To see if the town will vote to discontinue the following Capital Reserve fund, 325th Anniversary. Said fund and accumulated interest to date of withdrawal, are to be transferred to the municipality's general fund. (Majority vote required.)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 1046

NO 197

ARTICLE 17: To see if the town will vote to discontinue the following Capital Reserve fund, Annual Celebration. Said fund and accumulated interest to date of withdrawal, are to be transferred to the municipality's general fund. (Majority vote required.)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 1007

NO 237

ARTICLE 18: To see if the town will vote to establish a 350th Anniversary Capital Reserve Fund under the provisions of RSA 35:1 for the town's future 350th celebration and to raise and appropriate the sum of \$70,000 to be placed in this fund, with this amount to come from the Kingston Days Special Revenue Fund. Further, to name the Board of Selectmen as agents to expend from said fund. (Majority vote required.) (If Articles 16,17 and 18 pass, there will be no tax impact.)

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0
NOT RECOMMENDED BY THE BUDGET COMMITTEE 9-0
YES 812

NO 474

ARTICLE 19: To see if the Town will vote to adopt the Community Revitalization Tax Relief Incentive outlined in NH RSA 79-E of state law and to designate Historic District I (HDI) as meeting the standards for an eligible district as set forth in NH RSA 79-E:2. If adopted, the Board of Selectmen shall have the option of granting temporary property assessment relief to encourage substantial reinvestment in qualifying structures. The goal is to promote rehabilitation of underutilized buildings in the Town's village center, thereby contributing to a strong local economy and smart, sustainable growth.

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0
RECOMMENDED BY THE BUDGET COMMITTEE 9-0
YES 939

NO 356

ARTICLE 20: To see if the Town will vote to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article.

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0
RECOMMENDED BY THE BUDGET COMMITTEE 9-0
YES 1158

NO 117

ARTICLE 21: To see if the Town will vote to change the Highway Agent position from an elected to an appointed, by Selectmen, position (RSA 231:62) for a three - year term (RSA 231:62-b) with authority to perform "Additional Duties" under the direction of the Selectmen (RSA 231:63). A "yes" vote will go into effect at the next town meeting.

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0
YES 769

NO 504

ARTICLE 22: To see if the Town will vote to amend Section 700, Article 701 of the Town Ordinances, Rules and Regulations to read as follows:

- 701.1** The Select Board has the authority to appoint inspectors to check each building/structure and waste disposal system being constructed or moved into the Town of Kingston to determine that all existing ordinances and regulations are being followed. Inspectors shall include, but not be limited to, building, health, plumbing, electrical and fire.
- 701.2** All construction shall conform to the regulations and restrictions as adopted under Article 301 of the Town of Kingston Zoning and Building Codes, the current codes as adopted by the State of New Hampshire, and all other applicable Town ordinances and regulations.
- 701.3** The Select Board shall set fee schedules for such inspections with said fee(s) being due and payable prior to the issuance of permits. The fee schedule shall be available at the Select Board's office.

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

YES 909

NO 354

ARTICLE 23: If Article 22 passes, to see if the Town will vote to revoke Article 1002 of the Town Rules and Regulations, as it would no longer be necessary.

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

YES 907

NO 296

ARTICLE 24: To see if the Town will vote to amend Section 404 of the Town Ordinances to read as follows:

No hawker or peddler who has been licensed by the State of N. H. pursuant to provisions of N.H. RSA 320:8, shall be allowed to do business in the Town of Kingston without duly registering the State license with the Kingston Police Department, and paying an annual license fee to the Town of Kingston in the sum of \$100.00. In addition, no hawker or peddler shall be allowed to conduct business in the Town of Kingston other than between the hours of 9:00 A. M. and 5:00 P. M. Monday through Friday, inclusive, unless Selectmen deem hours unreasonable. Any hawker or peddler who violates the provisions of this Ordinance shall be fined a sum not to exceed \$10.00 per day for each day of such violation. Any portion of the annual license fee may be waived in the sole discretion of the Selectmen for hawkers and peddlers who are domiciled in the Town of Kingston.

RECOMMENDED BY THE BOARD OF SELECTMEN 3-0-1

YES 961

NO 308

ARTICLE 25: On petition of 71 registered voters, to see if the Town will vote to raise and appropriate the sum of \$10,000.00 to be placed in the Land Acquisition Capital Reserve fund for the future purchase of development rights, conservation easements and other land acquisition to conserve the Town's rural character, provide open space for outdoor recreation by the public, and help stabilize the tax base.

RECOMMENDED BY THE BOARD OF SELECTMEN 4-0

NOT RECOMMENDED BY THE BUDGET COMMITTEE 2-7

YES 656

NO 577

ARTICLE 26: On petition of the Kingston Heritage Commission and 44 registered voters, to see if the Town will vote to raise and appropriate the sum of \$10,000.00 to be placed in the previously established Heritage Fund to support preservation and utilization of historic and cultural resources in the town of Kingston.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN 1-3

RECOMMENDED BY THE BUDGET COMMITTEE 5-4

YES 578

NO 652

ARTICLE 27: On petition of 31 registered voters, to see if the Town will vote to raise and appropriate the amount of \$3,100 to support One Sky Community Services in their efforts to provide vital support and services to 31 individuals with developmental and intellectual disabilities who reside in the Town of Kingston, in the Town's 2020 budget.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN 0-4

NOT RECOMMENDED BY THE BUDGET COMMITTEE 4-5

YES 657

NO 574

ARTICLE 28: On petition of 25 registered voters, shall the Town vote to raise and appropriate the sum of \$3,000 to support the substance misuse prevention, suicide prevention and community wellness services of the SoRock Coalition for Healthy Youth. SoRock's work promotes wellness and nurtures resiliency for the children, youth and families of Kingston as well as surrounding communities. SoRock works through coordinating community education, programming & resources and collaborating with federal and state agencies to help direct additional resources to the towns they serve.

NOT RECOMMENDED BY THE BOARD OF SELECTMEN 2-2

RECOMMENDED BY THE BUDGET COMMITTEE 9-0

YES 820

NO 427