

The State of New Hampshire

To the Inhabitants of the Town of East Kingston in the [L.S.] County of Rockingham in said State, qualified to vote in Town Affairs:

You are hereby notified in accordance with SB-2, the first session of all business other than voting by official ballot shall be held on Tuesday, February 4, 2020 at 7:00PM at the East Kingston Elementary School, 5 Andrews Lane, in said Town, East Kingston. The first session shall consist of explanation, discussion, and debate of each warrant article. Warrant Articles may be amended, subject to the following limitations:

- (a) Warrant Articles whose wording is prescribed by law shall not be amended.
- (b) Warrant Articles that are amended shall be placed on the official ballot for final vote on the main motion, as amended.

The second session of the annual meeting, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot shall be held on Tuesday, the Tenth Day of March, 2020 with polls open from 8:00AM – 7:00PM at the East Kingston Elementary School, 5 Andrews Lane, in said Town, East Kingston to act upon the following:

ARTICLE 1: To choose all necessary Town Officers for the year ensuing.

ARTICLE 2: Are you in favor of the adoption of the following zoning ordinance amendment as proposed by the Planning Board?

Amend Title Section 100.1 – Building Code 1.a & 1.b to update building and fire codes to current state codes.

Ordinance in *italics*, strike-through words deleted, and new text in **bold**

BUILDING CODE

1. **Title Section 100.1 (Amended 03/2004)**

Any construction, alteration, repair, renovation or maintenance of a building or structure shall comply with the provisions as follows:

- a. *The New Hampshire State building code is defined in NH RSA 155-A (International Building Code, as amended): ~~I,II~~, which includes the International Building Code 2000 2015, the International Plumbing Code 2000 2015, the International Mechanical Code 2000 2015, the International Energy Conservation Code 2000 2015, International Residential Code 2015, International Swimming Pool and Spa Code 2015, as published in the International Code Council, and the National Electric Code 2002 2017, with*

respect to each of the foregoing, as amended from time to time.

- b. **The State Fire Code Sat-C 6000, as amended.** ~~The International Residential Building Code, 2003 Edition, and as amended;~~
- c. *The enforcement mechanism for the State building code shall be that which is already in place for the enforcement of the Town Building Code, with the Building Inspector administering and enforcing the same. The Zoning Board of Adjustment shall act as the Building Code Board of Appeals.*
- d. *All newly constructed dwelling units, and additions or renovations to existing dwelling units in which a building permit is required, shall install heat detectors in unfinished attic spaces and in integral or attached garages in accordance with NFPA 72 National Fire Alarm Code. If a multiple station alarm system exists, newly installed detectors must be interconnected with the existing system. The Fire Chief shall approve said installation. (Amended 10/16/08)*

2. Fee Schedule 114.3.1

A fee for each plan examination, building permit and inspections shall be paid in accordance with the following schedule:

Use Group: A,B,F,H,I,M, & R: \$0.10 per square foot of new construction, total of all floors. Garages and porches, sun decks, breezeways and barns @ \$0.05 per square foot. The building permit fees will be based on total calculated square footage of useable area to include garages, breezeways, cellars and storage areas. Permit fees to combine both electrical, plumbing, mechanical, etc.

The value for building construction exempted from the requirements of obtaining a building permit shall be \$1,000.00; nevertheless, work shall be in compliance with all codes and ordinances.

The Building Inspector shall levy and collect all permit fees. The inspector shall provide a detailed account of said building transactions, as necessary, and deposit all receipts with the Town Treasurer. (Amended 3/2002)

3. Violation, Penalties, Section 117.4

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof of who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, if a natural person, or of a felony if any other person. Any such violation shall be punishable by a fine of not more than One Hundred Dollars (\$100) nor less than Ten Dollars (\$10) for each day that a violation continues after the conviction date; provided, however, that total fines imposed for any single violation shall not exceed Five Hundred Dollars (\$500) which such shall insure to the Town of East Kingston for such uses as the Board of Selectmen may direct.

4. Unlawful Continuance Section 118.2

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or to remedy unsafe conditions identified by the Building Inspector, shall be guilty of a misdemeanor, if a natural person, or of a felony if any other person and be punished as provided in the preceding subsection entitled VIOLATION PENALTIES.

5. Compensation of Board of Survey Section 123.3

(Page 18, Second line) insert \$150.00

6. Deep Excavation Section 1807.2.1

Insert: Four (4) feet.

7. Shallow Excavations Section 1807.2.2

Insert: Four (4) feet.

8. *That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause of causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, or affected by this Ordinance.*

9. *The Building Inspector shall accept a certificate from a State registered New Hampshire wood processing mill which certifies that the processed native lumber meets the appropriate structural standards in lieu of an accepted and recognized lumber grading stamp. Any structure which is built with such approved native lumber shall be considered equivalent to a structure built with stamped lumber.*

The East Kingston Planning Board supports this zoning amendment.

ARTICLE 3: Are you in favor of the adoption of the following zoning ordinance amendment as proposed by the Planning Board?

Ordinance in *italics*, strike-through words deleted, and new text in **bold**

ARTICLE II - DEFINITIONS

DEFINITIONS TO BE ADDED OR REVISED:

AGRICULTURE AND FARMING: agricultural activities permitted by and consistent with the requirements of RSA 21:34-a

COMMERCIAL VEHICLES: As defined by the New Hampshire Division of Motor Vehicles (NHDMV) “Guide to New Hampshire’s Commercial Vehicle Rules and Regulations,” Federal Motor Carrier Safety Regulations as adopted by the New Hampshire Department of Safety, New Hampshire’s Motor Carrier Safety Rules as expressed in the New Hampshire Code of Administrative Rules.

MOBILE HOME: As defined in “Manufactured Housing.”

PRE-SITE BUILT HOUSING: *Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. For the purposes of this subdivision, pre-site built housing shall not include manufactured housing, as defined in RSA 674:31. Often related to “pre-site built housing” is the phrase “modular housing”, as defined in RSA 205-C:1 (XI). This type of housing is generally delivered to a home site on a flatbed truck and is then lifted into place on prepared foundation or slab by a crane or similar piece of equipment.*

RECREATIONAL VEHICLE, MOTOR HOMES AND RECREATIONAL TRAILERS: Recreational trailers or recreational vehicles are statutorily not considered “manufactured housing.” See RSA 205-D:1(XI). “Recreational vehicle” means any of the following vehicles:

1. **Recreational Trailer or Vehicle or Motor Home,** which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
2. **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.
3. **Recreational trailer,** which is a vehicular, portable structure built on a chassis, designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping travel or seasonal use.
4. **Tent trailer,** which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreational and vacation purposes.

REGULATED SUBSTANCES: Regulated substances, in quantities greater than 5 gallons, including petroleum, petroleum products, regulated contaminants for which an ambient groundwater quality standard has been established under RSA 485-C:6, and substances

listed under 40 CFR 302, 7-1-05 edition (as amended), excluding substances used in the treatment of drinking water or waste water at federal and state approved facilities.

The East Kingston Planning Board supports this zoning amendment.

ARTICLE 4: Are you in favor of the adoption of the following zoning ordinance amendment as proposed by the Planning Board?

Ordinance in *italics*, strike-through words deleted, and new text in **bold**

Add new Article III-B Residential/Agricultural District with text as shown below.

ARTICLE III-B Residential/Agricultural District

The intent of the Residential/Agricultural district is to provide for single-family dwellings and agriculture in a traditional small-town rural setting separate from industrial, commercial and business operations. The district shall maintain strict adherence to residential and agricultural uses except as otherwise permitted by the East Kingston Zoning Ordinance. All development shall be carried out with the objective of preserving the natural and scenic environment of this rural district.

1. The parking of not more than one commercial vehicle of 14,000 GVWR or GCWR or less is permitted and shall not give the appearance of business operations from the property. All vehicles and equipment used for agricultural purposes are excluded from this requirement.
2. Business operations (wholesale or retail excluding agriculture), operations of commercial equipment owned by the property owner and/or resident, operations of commercial equipment not owned by the resident (i.e. equipment operated for others), commercial or industrial operations, such as, but not limited to, trucking, hauling, excavation, mining, manufacturing, or any such similar operations are strictly prohibited within this district.
3. Development of new trailer parks or mobile home parks are prohibited in this district.
4. Home occupations for small scale home-based businesses and grandfathered nonconforming uses shall be allowed by permit-only pursuant to Article XVI Home Occupations.
5. Recreational vehicles, motor homes and recreational trailers shall not be utilized as a single-family dwelling or residence and not occupied for more than 90 consecutive days and not more than 120 days in a given year.

The East Kingston Planning Board supports this zoning amendment.

ARTICLE 5: Are you in favor of the adoption of the following zoning ordinance amendment as proposed by the Planning Board?

Add new Article III-C Adult Uses with text as shown below.

Ordinance in *italics*, strike-through words deleted, and new text in bold.

Article III-C Adult Uses

- A. Purpose:** It is the purpose of this section to establish reasonable regulations pertaining to the operation of sexually oriented businesses within the Town of East Kingston; and, it is the intent to promote the health, safety and general welfare of the citizens of East Kingston; and it is the intent of this section that these provisions be utilized to prevent the problems which typically accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions this section have neither the purpose nor the effect of imposing limitations or restrictions on the content of any communicative materials, including sexually oriented materials; and, it is not the intent nor the effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- B. Definition:** The term adult use shall mean and include the following: any business where more than 15% of the gross revenues, 15% or more of the stock and trade, or 15% or more of the goods or paraphernalia displayed are of sexually oriented or sexually explicit nature. Such goods and paraphernalia include, but are not limited to sexually explicit books, videos, movies, devices, computer software, theaters where sexually explicit films or videos are shown, nude modeling studios, massage parlors, escort agencies, or sexual encounter centers.
- C. Where Permitted:** Adult uses shall be allowed in the Commercial District or Light Industrial/Residential District as a Special Exception by the Zoning Board of Adjustment provided that the following locational standards and site appearance criteria are met.
1. No structure containing an adult use shall be allowed within 1,000 feet of the property line of a church, cemetery, school, day care center, or within 1000 feet of a residential structure.
 2. No sexually explicit material or advertising shall be visible from outside the building.
 3. No private viewing rooms or booths shall be constructed unless one side is always open to a public central area.

4. No one under the age of 18 shall be permitted inside such a use and a procedure shall be developed to keep those under 18 from entering the building.

D. **Restrictions on Other Retail Uses:** For those retail uses permitted by right in the Commercial and Industrial districts which sell sexually explicit goods and paraphernalia but do not meet the 15% thresholds outlined above, such goods and paraphernalia shall be located either behind a counter, or in a separate room or enclosure where citizens under the age of 18 are not allowed to enter. Such sexually explicit goods and paraphernalia are not within view of minors or readily visible to children.

The East Kingston Planning Board supports this zoning amendment.

ARTICLE 6: Are you in favor of the adoption of the following zoning ordinance amendment as proposed by the Planning Board?

Add to Article IV Commercial District Purpose, Prohibited Uses and amend Uses Allowed.

Ordinance in *italics*, strike-through words deleted, and new text in **bold**

ARTICLE IV - COMMERCIAL DISTRICT

Purpose: The commercial district was established to allow commercial business operations that are prohibited within other districts.

A. *Location: Commercial or business uses shall be allowed in the following areas:*
(Amended 3/96, 9/96, and 3/97)

1. 500 feet on both the west and east sides of Route 108, south of the centerline of Route 107, to the south boundaries of lots 9-2-2 and 9-8-22.
2. Northerly from the centerline of Powwow River (Route 107A) and Burnt Swamp Road (107A) to a depth of 1,200 feet and within 340 feet westerly of the centerline of Haverhill Road (Route 108) and within 550 feet easterly of the centerline of Haverhill Road (Route 108).
3. Land parcel MBL# 10-3-9, located at 14 Powwow River Road. (Adopted 3/99)

B. **Uses Allowed:** *Business, Wholesale and Retail plus Consumer Services.* Examples include but are not limited to: professional and business offices, banks, financial offices, service businesses, restaurants, medical facilities, educational institutions or daycare facilities, bed & breakfast houses, hotels, commercial service and repair facilities, retail stores, and self-storage facilities.

C. **Prohibited Uses:** Industrial operations and/or heavy manufacturing operations are prohibited in this district. Examples include but are not limited to: manufacturing

facilities, trucking companies, solid or liquid hazardous waste companies, excavation and heavy equipment operators. Retail stores or retail buildings greater than 25,000 square feet.

D. Applications for Commercial structures and uses must be submitted to the Planning Board for approval and comply with the following regulations:

1. *No use shall be permitted which could cause any undue hazard to health, safety or property values or which is offensive to the public because of noise, vibration, unsanitary conditions, noxious odor or similar reason.*
2. *Sufficient area shall be included in the site of such use to allow the following setbacks and related facilities:*
 - a) *Front: Not less than twenty-five feet from any building or parking lot to a right-of-way, with both an exit and an entrance and with grass and/or other reasonable beautification in the buffer areas.*
 - b) *Side and Rear: Not less than twenty-five feet from a building or parking lot to lot lines.*
 - c) *Sufficient off-street parking space shall be provided on the property to accommodate all vehicles attracted to the business.*
 - d) *The Planning Board shall hold a public hearing on the application first giving notice by publication, posting and by certified mail to abutters and as otherwise required by law.*

The East Kingston Planning Board supports this zoning amendment.

ARTICLE 7: Are you in favor of the adoption of the following zoning ordinance amendment as proposed by the Planning Board?

Add to Article V Light Industrial/Residential District Purposes, and amended Paragraphs C. and C.4.

Ordinance in *italics*, strike-through words deleted, and new text in **bold**

ARTICLE V - LIGHT INDUSTRIAL/RESIDENTIAL DISTRICT (Adopted 3/89)

- A. Purpose:** The Light Industrial District was developed to allow and promote light industrial (i.e. electronics, light mechanical assembly, fabrication, etc.), commercial, and business operations prohibited in the other districts. These regulations and restrictions are to ensure orderly development, control, and adequate safety protocols of commercial and industrial operations within the district. Residential and agricultural uses allowed in Article III Residential / Agricultural are also allowed in this District.

~~In this district, no building or structure or premises shall be erected or altered and no building, structure or premises shall be used for any purpose except the following:~~

~~B. Description. The Light Industrial/Residential district, consisting of 93 acres, is composed of lots 11-2-11, 11-2-13, 11-2-14, 11-2-17, 11-2-31, 11-2-32, 11-2-38, and 11-2-39.~~

~~C. Residential housing development in this district will be in accordance with the East Kingston Zoning Ordinance and Subdivision Regulations.~~

C. *The Light Industrial District is intended for **but not limited to** use and development of research laboratories, office buildings, selected light industries, warehousing, service or utility businesses, **light manufacturing facilities, trucking companies, solid or liquid waste companies, excavation and heavy equipment operators, manufacturing industries, public utilities, service and repair of vehicles and equipment, auto-body, machinery sales/service/repair, freight or trucking operations, contractor storage yards, contract cleaning companies, printing and shipping, industrial supply companies, telecommunication towers and facilities.** Uses permitted subject to Site Plan Approval by the Planning Board except as otherwise prohibited:*

1. *Any Commercial uses defined in Article IV of the East Kingston Zoning Ordinance;*
2. *Research laboratories with incidental processing or pilot manufacturing but excluding biological or chemical laboratories **and marijuana/cannabis plant product processing or distribution facilities.***
3. *Office buildings;*
4. *Any lawful warehousing excluding warehousing of biological chemical materials or **marijuana/ cannabis plant products;***
5. *Service or utility business not in conflict with the public health, safety, convenience or welfare or substantially detrimental or offensive to adjacent zones or destructive of property values, when permitted by the Planning Board;*
6. *Light manufacturing enterprises, except biological and chemical manufacturing; provided that such activities will not be offensive, injurious, or noxious because of gas, dirt, sewerage and refuse, vibration, smoke, fumes, dust, odors, danger of fire, or explosion, or other characteristics detrimental or offensive that tend to reduce property values in the same or adjoining districts;*
7. *Any customary accessory uses incidental to above, including parking and parking structures, support and maintenance shops, concessions and services located within a principal building with no exterior evidence of such concessions and services, and recreational facilities for the use of employees in Industrial Districts;*

8. *Temporary structures provided the permit for such use shall be limited to a term not to exceed ninety (90) days and a bond is posted to ensure removal.*

The East Kingston Planning Board supports this zoning amendment.

ARTICLE 8: Are you in favor of the adoption of the zoning ordinance amendment as proposed by the Planning Board?

The East Kingston Planning Board proposes to amend the East Kingston Zoning Ordinance by repealing the existing Article XI Single Family Cluster Residential Development and replacing it with Article XI Conservation Subdivision Development as follows:

ARTICLE XI - CONSERVATION SUBDIVISION DEVELOPMENT (Adopted _____)

This ordinance has been adopted pursuant to RSA 674:21 Innovative Land Use Controls as a voluntary alternative to a conventional subdivision.

- A. Single family structures in a Conservation Subdivision Development are permitted in any district within the Town of East Kingston.
- B. Purpose. The purposes of a conservation development, and to which any such development must adhere, are the following:
1. To preserve the natural beauty of existing rural roads within the Town.
 2. To provide adequate setback and buffering requirements to protect existing, proposed, and future residential property values.
 3. To preserve the natural and scenic qualities of open space including setback areas, buffer zones, and environmentally sensitive lands.
 4. To establish living areas within the Town of East Kingston that provide for a balance of community needs, such as a diversity of housing opportunities, adequate recreation and open space areas, easy accessibility to those and other community facilities, and pedestrian and vehicular safety.
 5. To provide for an efficient use of land, streets, and utility systems.
 6. To stimulate new approaches to land and community development.
- C. Manufactured Housing. (Deleted 3/05)
- D. Minimum Tract Size. The tract, lot, or parcel of single or consolidated ownership at the time of application shall be at least ten (10) contiguous acres.

1. In accordance with Article VI, Part D of the East Kingston Zoning Ordinance, poorly drained soils may be used to fulfill all but 3/4 of an acre (32,670 sq. ft.) of any building lot, provided that the contiguous non-wetland area is sufficient in size and configuration to adequately accommodate all required utilities. No portion of any ponds, lakes, fresh water marshes, alluvial soils, perennial streams, or very poorly drained soils may be used to calculate the density for any proposed conservation development.
 2. Frontage is required on an existing Town approved road or a State highway. For the purpose of this ordinance, a Town road shall be defined as a road that has been accepted by the local legislative body at the annual Town Meeting. No housing units or other structures are to be built on land encompassed by the development within 200 feet of any development entrance as measured from the originally existing public or private road. The land precluded from any construction by virtue of this provision may be included, assuming it is otherwise eligible, in the development calculations for the required common land/open space. Two planning goals are thereby satisfied, i.e. 1) higher residential density offset by using common land/open space, and 2) privacy enhanced and traffic noise pollution abated in the neighborhood from adjacent highways.
- E. Maximum Allowable Density. The maximum base density (e.g. number of dwelling units permitted) in any Conservation Subdivision shall not exceed the number of dwelling units that would be allowed in a standard subdivision on the same parcel of land as determined by a Yield Plan. To determine the number of units allowed, the applicant shall submit two conceptual plans for the development. The Yield Plan shall show a standard subdivision of the parcel that complies with all requirements of the East Kingston Subdivision Regulations and Zoning Ordinance; the other shall show the proposed conservation layout using no more than the number of dwelling units allowed by the Yield Plan. The Planning Board shall approve the Yield Plan before awarding any density bonuses.
- F. Conserved Open Space. In every Conservation Subdivision, conserved open space shall be set aside and protected in perpetuity from development by a conservation easement, approved by the Planning Board and recorded. The Conserved Open space shall not include any portion of a proposed building lot. The required amount of open space for all conservation development shall be calculated as follows:
1. Comprise no less than 50% of the gross land area of the development.
 2. No more than 50% of the conserved open space land shall contain poorly or very poorly drained soils, alluvial soils (subject to flooding), waterbodies, and slopes greater than 25%.
 3. Conserved Open Space may be used for non-motorized recreational uses, trails providing a trail plan is approved by the Planning Board, and forest management.
 4. In calculating Conserved Open Space area, the following shall not be included:

road right-of-way, stormwater management infrastructure and easements, utilities, common use areas, and parking areas.

5. Selecting Conserved Open Space. Land containing the following features shall be preferentially included in the Conserved Open Space:
 - a. Wetlands and surface waters including a 100-foot upland buffer.
 - b. Mature woodlands, meadows, specimen trees.
 - c. Wildlife corridors and wildlife habitat.
 - d. Historical and cultural resources including stone walls, cemeteries, and historical structures and sites.
 - e. Scenic vistas and landscapes.

G. Density Bonus. If the following criteria are met, the Planning Board may award the density bonuses to the initial total allowable units allowed by the approved Yield Plan, above. The total density bonus awarded to a development under this section (XI.F.1) shall not exceed 20% of the dwelling units shown on the yield plan. If 20% of the dwelling units per the yield plan is less than one unit, round up to one unit. Percentages greater than .5 homes may be rounded up to the next whole number (example: Total bonuses of 15.5% bonus x 5 homes = .7 homes rounded to 1 home).

1. Open Space Bonus: Where the proposed plan shows 51% or more of the total parcel as open space protected as such in perpetuity (e.g., with a conservation easement), the development may be awarded a density bonus as shown in Table A.

TABLE A. Open Space Density Bonus

TYPE of BONUS	Percent of Parcel Designated as Open Space	Density Bonus (%)
Protected Open Space	51% - 60%	10%
Protected Open Space	61% - 70%	15%
Protected Open Space	71% - 80+%	20%

2. Public Access Bonus: Where the public is granted access to the open space, the development may be awarded a density bonus of 2.5%. The nature of public access required to trigger this bonus is pedestrian and bicycle use. Examples include but are not limited to walking paths, bike trails, cross country ski trails, and snowshoe trails, etc. The agreement may reasonably restrict the use of motorized vehicles.
3. Agricultural Lands and Use Bonus: Where the development protects agriculturally valuable lands and provides for permission to be used as such in perpetuity, the development may be awarded a density bonus as shown in Table B. In addition to being reasonably accessible, the agricultural land must meet at least two of the following criteria:
 - a) The portion of open space preserved for agricultural use must amount to a

minimum of 33% of the minimum required open space;

- b) The agricultural area must either have been historically farmed, or contain suitable soils for agriculture;
- c) The agricultural area must be a valuable agricultural and/or visual resource as determined by the Planning Board.

TABLE B - Protection of Agricultural Land

Type of Density Bonus	Percent Required Open Space That is Agricultural Land	Density Bonus (%)
Protected Agricultural Land	0-33%	2.5%
Protected Agricultural Land	33% - 44%	5.0%
Protected Agricultural Land	45% - 54%	6.0%
Protected Agricultural Land	55% - 64%	7.0%
Protected Agricultural Land	65% - 74%	8.0%
Protected Agricultural Land	75% - 80+%	9.0%

- d) Conservation Protection Bonus: Where the development can demonstrate, to the satisfaction of the Planning Board, that it protects any combination of additional unique and valuable characteristics beyond the 50% Conserved Open Space requirement, it may be awarded a total density bonus of 5.0%. Such characteristics include, but are not limited to the following:
 - i. Viewsheds, which include lands or corridors of land that contribute to the visual landscape of the town, including areas such as open fields, hillsides, stone walls, mature stands of trees, visible water bodies and their natural buffers.
 - ii. Historically significant buildings, resources and landscapes, that include buildings and associated uses that are maintained and visually separated from the housing portion of the development. The applicant shall provide evidence of historic value that may include Heritage Commission comment, listing or eligibility for the National Register of Historic Landmarks, or other qualified statements of historic value.
 - iii. Valuable wildlife and environmental areas that are otherwise buildable land, proven as such through an environmental resource inventory by a qualified wildlife biologist specializing in either flora or fauna.
 - iv. Parcels or trail corridors linking open space through the site with existing trails or open space networks. The beginning of such a network

or railway may qualify where reasonable opportunity is present for establishing through corridors onto neighboring parcels and provided that Conservation Commission comment is in favor of this location.

- e) The Planning Board shall have the authority to evaluate the evidence presented by the applicant and to determine whether any of the abovementioned density bonuses will be awarded.

EXAMPLE: DENSITY BONUS CALCULATION

A 24-acre site example:

- Yield Plan shows the property would yield 10 building lots
 - 12 acres required minimum open space
 - Thoughtful development designates 13.5 acres as open space allowing for a 10% open space bonus
 - In addition, 6 acres of the required open space is agricultural land allowing for an additional bonus of 6% Agricultural Bonus
 - Two “View sheds” are maintained for another 5%
 - $10\% + 6\% + 5\% = 21\%$ total bonus
- 10 lots x .21% = 2.1 building lots. Two bonus building lots would be approved.
(**Rounding up only allowed for the first bonus lot)
** Two bonus lots is within the 20% yield plan maximum bonus building lot limit.

- H. Method for Conservation Subdivision Design. The subdivision shall utilize the following four-step design process.
1. Step One – Prepare an Existing Conditions Plan that delineates the features described in Section H.1-5 above and the Conserved Open Space lands.
 2. Step Two – Located suitable house sites based on soil and other environmental conditions and location of stormwater management infrastructure based on Yield Plan and any density bonuses awarded.
 3. Step Three – Align streets with identified house sites, road right-of-way and stormwater infrastructure.
 4. Step Four – Delineate house lot lines. Prepare Conservation Subdivision Plan showing all features in Steps One - Four.
- I. The residential density within the area being developed shall not exceed six (6) dwellings units per acre. The minimum lot size shall be determined based on the soil-based lot sizing methodology in Standards for a High Intensity Soil Map of New Hampshire, Society of Soil Scientists of Northern New England, 2017 (as Amended).
- J. Dwelling units, accessory structures and septic systems shall comply with the setback requirements of Article VI Section E.3 Wetlands Conservation District.
- K. Conservation Subdivisions shall not be required to conform to the minimum frontage standards required elsewhere in this ordinance however all lots shall have a minimum

frontage of 50 feet and shall be designed and constructed to achieve the purposes set forth in these regulations.

1. Front, side and rear setbacks shall be a minimum of 100 feet from all abutting property lines.
2. Interior lot lines are required; setbacks from lot lines shall conform to the requirements of all zoning districts and Article VII General Provisions and Article VIII Uses Permitted.
3. Restrictions: In no instance, shall any of the following be allowed within the front, side, and rear setbacks: structures of any type, additions to existing structures within the development including garages, decks, or porches; parking areas, walkways, driveways, or any privately owned road or street. (Town roads, or collector road may not pass through any side or rear setback, unless approved by the Planning Board, and may only pass through a front setback for purpose of access to an existing town or state road in existence at the time of submission of application); septic systems, leaching fields, and back-up areas for the same; wells, or back-up wells (protective radius for a well may extend into the setback, however, no vegetation within the setback shall be disturbed during the drilling of any well); any other improvements not specifically listed above that would disturb the natural condition of the setback. In the conservation development, the setbacks shall be left in their natural state with the following exceptions: Upon approval of the Planning Board, cutting of vegetation and excavation may be allowed to improve sight distance along an access from a town or state road in existence prior to submission of application; drainage and utility easements; required landscaping; entrance sign; and any other improvements deemed necessary by the Planning Board to ensure public health, safety and welfare. The Planning Board may require additional plantings in the buffer area to provide better screening, where necessary.

L Water and Septic Systems. The development may be served by common water and septic systems, the design and construction of which must be approved by the state and local authorities prior to final approval of any subdivision plan or subphase thereof by the East Kingston Planning Board. All common water systems shall require state approval under RSA 149:82, if applicable, and approval by the State of New Hampshire Department of Environmental Services Water Division. Additionally, NHDES Water Division subdivision approval for the development, if applicable, and individual sewage system approvals must be obtained prior to final approval of any conservation subdivision plan or subphase thereof by the Board. All common wells within the development, shall in no instance have a protective radius of less than 125 feet, and when applicable, state requirements for a greater radius shall apply. In no instance, shall any sewage system, road, parking area, or dwelling unit be allowed within the protective well radius of any common well. Private wells shall not have any roads, parking, or septic systems within a 75-foot radius. Whenever possible, the well(s) shall be located on an up-gradient from any sewage system, structure, roadway, driveway, parking area, or walkway, and any potentially harmful run-off shall be directed away from the protective radius.

- M Landscape Buffer. A conservation development shall have a 100-foot landscaped buffer around its entire perimeter to provide an adequate division of transition from abutting land uses and existing town roads. The landscaped buffer, which shall include the frontage setback from a development entrance, may consist in whole or in part of existing natural vegetation and forests. If preserved and maintained in a natural condition, the landscaped buffer may be included in the Conserved Open Space. The Planning Board shall determine whether the type of landscaping proposed is acceptable in light of local geographic and topographic features.
- N Parking. Provisions for parking shall allow for not less than two (2) spaces per single dwelling unit, each at least 9 feet wide and 20 feet long exclusive of traffic and maneuvering space. Access driveway design and proposed parking locations shall be subject to Board approval.
- O Emergency Vehicle Access. Emergency vehicle access shall be provided to all structures within the conservation development and shall be subject to Planning Board approval.
- P. Access to Conserved Open Space. Conserved Open Space land shall have suitable access to a road only within the development.
- Q. Protection of Conserved Open Space. Open space, common areas, common facilities, private roadways, and other features within the conservation development shall be protected by covenants running with the land and shall be conveyed by the property owners to a homeowners association so as to guarantee the following:
1. The continued use of land for the intended purposes.
 2. Continuity of proper maintenance for those portions of the development requiring maintenance.
 3. The availability of funds required for such maintenance.
 4. Recovery for loss sustained as a result of casualty, condemnation or otherwise.
 5. Creation of a homeowners association or tenancy-in-common or similar form of ownership, with automatic membership and obligation of the residents of the conservation development upon conveyance of title or lease to single dwelling units. Homeowners association, tenancy-in-common, or similar form of ownership shall include lien provisions and shall be subject to review and approval by the Planning Board.
 6. Layout. The conservation development plan shall show the layout of all roads and structures.

- a. Unless approved by the Planning Board, no driveway shall access more than three dwelling units in a conservation development.
 - b. Unless approved by the Planning Board, all roads shall be built to town requirements (Reference "Requirements for Construction of Roads and Streets in the Town of East Kingston" and Appendix C, East Kingston Subdivision Regulations).
 - c. The Planning Board retains the right to approve the specific road and structure layouts for the purpose of the health, safety, and welfare of the town as well as for efficiency and aesthetic variety and quality of design.
- R. Site Plan. A site plan for the entire tract at a scale of 1" = 100' and the developed portion at 1" = 50' shall be prepared by either a registered professional engineer or registered land surveyor. The site plan shall be submitted in accordance with the site plan and subdivision regulations for the Town of East Kingston, and the location of parks and open space shall be shown on the plan.
- S. Planning Board Review.
- 1. Before submission of a formal complete application, the applicant shall meet with the Planning Board for a Design Review discussion of the subdivision proposal as per RSA 676:4.II(b).
 - 2. The following information shall be provided for a formal complete application and including all other requirements of the East Kingston Subdivision Regulations:
 - a. Traffic circulation and access including adequacy of adjacent street, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization.
 - b. Pedestrian safety and access.
 - c. Off-street parking and loading.
 - d. Emergency vehicle access.
 - e. Fire protection as it applies to the proximity of buildings to one another and to the existence of firefighting water sources.
 - f. An erosion and sediment control plan using the methodology in NHDES New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction (December 2008, as amended) and a stormwater management plan using the methodology in NHDES New Hampshire Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection & Design (December 2008, as amended).

- g. Recreational facilities.
 - h. Water supply and wastewater disposal approved by a civil or sanitary engineer registered in New Hampshire.
 - i. Environmental factors such as protection against pollution, noise, odor, and the protection of natural features.
 - j. Landscaping in keeping with the general character of the surrounding areas.
 - k. Signage and exterior lighting.
 - l. Submission of proposal along with abutting property owners' names and addresses shall be in accordance with the Town of East Kingston Subdivision Regulations in order to provide for timely notification to abutters of public hearing to review said parcel.
 - m. In addition, the Planning Board shall review the plan to insure compliance with the provisions of the standards set forth in these regulations and other town regulations and ordinances. The Planning Board shall also ascertain that the plan minimizes the encroachment of the conservation development upon neighboring land uses.
 - n. The Planning Board may retain the services of a consultant and/or engineer qualified to review any specific aspects of the plan or to review any engineering or professional studies submitted by the developer as requested by the Board. The cost of said services shall be borne by the owner and/or developer as per RSA 676:4,I(g).
- T. Performance Bond. A performance bond or other acceptable security and other legal data shall be submitted as required by the Planning Board to ensure the completion of streets, buffers, and amenities in accordance with the accepted plans and subdivision regulations of the Town of East Kingston as adopted or hereafter amended.
- U. Amendments to an Approved Plan. The owner, his agent or his successors or assigns will make no alterations or additions or deletions from the approved Conservation Development Plan except as approved in advance by the Planning Board. All requests for changes to the approved plan shall be made in writing to the Board and shall be accompanied by such documents as the Planning Board shall deem necessary to explain the requested change.
- V. Manufactured housing as defined by RSA 674:31 shall not be allowed in conservation developments proposed under Article XI. (Adopted 3/91)
- W. The Planning Board shall adopt such procedures as part of the Site Plan and Subdivision Regulations as it may deem necessary in order to insure sufficient public review of any conservation development proposal and to insure compliance with these and other Town ordinances and regulations.

- X. Administration. The Planning Board shall be responsible for the review and approval of all applications for conservation development. To minimize the period of time required for the review, the Board may conduct its Site Plan Review in concert with the provisions contained in the East Kingston Zoning Ordinance.
- Y. All other land use requirements in the Town of East Kingston Zoning Ordinance must be met including all general requirements of the issuance of a special exception.

The East Kingston Planning Board supports this zoning amendment.

ARTICLE 9: Shall the Town of East 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 \$3,057,528 Should this article be defeated, the default budget shall be \$3,069,426, which is the same as last year, with certain adjustments required by previous action of the Town of East 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. This operating budget article does not contain appropriations contained in any other warrant articles.

MAJORITY VOTE REQUIRED.

The Board of Selectmen recommends approval of this article: 2 For, 0 Against, 1 Absent.

ARTICLE 10: To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand dollars (\$15,000.00) to be added to the existing cistern/hydrant repair/replace Capital Reserve Fund established at the 2018 Town Meeting for the purpose of repairing or replacing existing cisterns or hydrants.

MAJORITY VOTE REQUIRED.

The Board of Selectmen recommends approval of this article: 2 For, 0 Against, 1 Absent.

ARTICLE 11: Shall the town modify the provisions of RSA 72:39-a for elderly exemption from property tax in the Town of East Kingston, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 74 years, \$155,000; for a person 75 years of age up to 79 years, \$180,000; for a person 80 years of age or older \$200,000? To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income of not more than \$30,000 or, if married, a combined net income of less than \$49,500 and own net assets not in excess of \$200,000 excluding the value of the person's residence.

MAJORITY VOTE REQUIRED.

The Board of Selectmen recommends approval of this article: 2 For, 0 Against, 1 Absent.

ARTICLE 12: Shall the Town vote to raise and appropriate Ten Thousand Dollars (\$10,000.00) to conduct a feasibility study for the potential future uses by the Town of the Old Town Hall building, 7 Main Street. This is a special warrant article which will be non-lapsing until the specific items are completed or obtained but shall not in no case be later than five (5) years from this appropriation per NH RSA 32:7 (VI).

MAJORITY VOTE REQUIRED.

The Board of Selectmen recommends approval of this article: 2 For, 0 Against, 1 Absent.

Given under our hands and seal, this 27th day of January, in the year of our Lord two thousand twenty (2020).


.....)

..... }
.....)

*Selectmen
of
East Kingston*

A true copy of Warrant – Attest:


.....)
..... }

.....)