

**TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING
Kensington Elementary School Library
122 Amesbury Road
Kensington, NH 03833
WEDNESDAY
February 3, 2016
Agenda
6:00pm**

In Attendance: Norman DeBoisbriand, Peter Merrill, Chief Scott Sanders, Robert Wadleigh

Norman DeBoisbriand called the meeting to order at 6:25pm.

Zoning Book Issues/Article:

Norman was asked at the Monday night meeting of the board to contact NH Municipal Association and ask for clarification on the process of submitting articles within the zoning ordinance section of the Town's Ordinances. He explained that the attorney was well versed in the matter and had been called several times in reference to this matter. The Rockingham Planning Commission Representative was called and told that she was wrong in her interpretation in the matter as well as contacting Glenn Greenwood. He was told by Margaret Burns (NHMA) that the facts that she was provided previously by the Moderator of the Town of Kensington and the facts that she was presented with by Norman were more in depth and needed to be addressed by the Town's legal counsel. Norman went back and read the building ordinance again, even though in his view Mr. Bragg is incorrect, he does concede that the ordinance is messed up. The building permits should not be in the zoning book, it should be just the building codes that were adopted by the town, not the permitting process. There seems to be no authority given to the board of selectmen over the building permitting process. It seems that the only authority the board of selectmen has is the enforcement of the ordinances, and that all building permits should be approved by the building inspector and presented to the planning board. The planning board would then become the overseeing body for the building permits. The way the ordinance is written the board does not have the authority to sign the building permits. There is a current issue that the board had been made aware of and the process for approaching that would now be in the hands of the planning board to send to the board of selectmen to enforce.

Norman is not sure that the board wants to spend the money to go any further with the warrant article issue. It was questioned if the warrant article should be removed from the warrant.

Kathy explained that she was unaware of a warrant article being removed from a warrant after it had been posted.

Peter explained that if there is an issue with the zoning book then it needs to be cleaned up.

As far as the warrant article presented by the Board of Selectmen, if the process was incorrect then the town will have to revert to the old way and interpretation of the ordinance, which is anything over \$2,000 whether it is like in kind, siding, roofing or same size window replacements would require a building permit. These would all be considered under the definition of remodeling. The planning board would have to be involved in the process and notified of the issues.

The planning board did give the selectmen the authority to do the set the building permit fees in the ordinance, but not the authority to sign for building permits.

Peter asked if it was ordinances that take effect before the vote, Kathy explained that with the planning board if they vote to send something to ballot it would take effect before the vote and then voted on in March the following year.

The board would like to leave the article in the warrant.

Kathy had talked with Harold and there will not be a discussion on this tonight at the deliberative session, as there cannot be amendments to the zoning article tonight.

The board explained that if the March 2016 vote passes the article, the article will not take effect until another vote is held by the town.

Building Occupancy Issue:

The business at 149 South Road-

Chief Sanders suggested that the board send out Norman Giroux, the building inspector to notify the owners that there is not an occupancy for the building yet. The board was unaware of this issue until Monday night's meeting, when the Building Inspector said that there was not one. If there is just an inspection needed, then maybe legal will not need to be involved. Norman stated that if there is a legal issue then the planning board would refer this back to the selectmen to then enforce. Chief Sanders is concerned because of a procedural misstep of a town official there is now a state organization involved. It may have been unintentionally, but this is something that needs to be dealt with quickly. The Fire Chief, Building Inspector, Chief of Police and the Selectmen should all meet with the planning board quickly.

The state issued a liquor license due to the fact that the Fire Chief had issued a permit to operate a Place of Assembly; they had the understanding that there was an approval by the building inspector for occupancy due to the issuance of the Assembly permit. The Chief had not checked with the building inspector before issuing the permit. Chief Sanders is aware that it was probably done unintentionally. He would like to see the boards, and all those affected meet as soon as possible.

The Selectmen explained that the Building Inspector could visit the property and inspect and then the issue would be cleaned up. Chief Sanders asked if Town Council should be contacted in the morning to find out what the town should do next. The process should be started so that the town is protected. Bob asked about the building inspector going over in the morning and if everything is fine, then the issue is all set. The board agreed that Peter should contact legal in the morning, to let them know the issue in case they are needed. Chief Sanders would like to see a procedural process established for the process of issuing the assembly permit. Norman would like to see binders formed for each business that is established so that all the information is contained in one place.

To happen in the near future:

- Meeting with Planning Board, Board of Selectmen, Chief of Police, Fire Chief, Building and Electrical Inspector
- Establish process for issuing Assembly permits
- Who is issuing body for Building Permits according to zoning book
- Electrical permit process
- Building Inspector to visit 149 South Road
- Peter to contact legal for next steps
- Binders for businesses in town with all information contained within them.

Norman made a motion to leave public session at 6:50pm, seconded by Bob all in favor.

Respectfully Submitted,

Kathleen T Felch