

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, March 18, 2014  
7:30 PM  
Meeting Minutes  
APPROVED-April 15, 2014  
Public Hearings**

**In Attendance:**

Peter Merrill, Chairman; Jim Thompson; Joan Whitney, Vice Chairman; Glenn Ritter; Norman DeBoisbriand, Selectmen Rep.; Scott Lowell, Selectmen Rep.; Kate Mignone; Dylan Smith, Rockingham Planning Commission Rep.

**In Audience:** Christopher Moultroup, Unitil; Ed Woiccak, Marshall Law Office, Henry Boyd, Surveyor; Bob Gustafson; 3 residents

Peter called the meeting to order at 7:36pm.

Peter explained that there were a number of issues on the docket and we will start out with the Public Hearings.

**Underwood for 3 Lot Subdivision-**

First is a three Lot Subdivision application for Marilyn C. Underwood. The parcel is located at 45 Wild Pasture Road, M9 L31. The intent is for Ms. Underwood to subdivide a 16.87 acre lot into three lots; 1A 5 acres; 1B 5 acres; 1C 6.87 acres.

Henry Boyd was present to represent Ms. Underwood, with signed permission.

Mr. Boyd went through and explained the subdivision and why the lots are shaped the way that they are. According to the lot shape regulation all lots should be rectangular. Mr. Boyd handed the board a sketch of what the lots would look like if he followed the regulation, in the sketch it showed that there would be useless lots left. He has asked for a waiver from the lot shape regulation. Wetlands and Soils are included on the map. All 3 lots are larger than 5 acres. Dylan sent out a recommendation letter to the board that was forwarded to Mr. Boyd and he addressed the issues that Dylan had pointed out. A copy of the recommendations will be kept in the permanent file with the town. Mr. Boyd made new plans and has presented them to the board that contain all the changes that Dylan has asked for in the recommendation letter. Mr. Boyd expressed that there are original monuments for the O'Day property and White property that should stay.

Ms. Underwood has already cleared the trees from a good part of the front of the lots. Mr. Boyd explained that the Wetland and Soil Scientist will stamp the plan at the end of the process so that the plans are not stamped 2 or 3 times. Jim asked if the locus on the top had been corrected to change North Road to Osgood Road. Mr. Boyd had not corrected that but will on the mylar and final plan. Bob asked if the board would follow the minor subdivision requirements, he was answered in the affirmative.

Jim asked where the seasonal high water table is on these lots. Mr. Boyd explained that on sheet 4 there are specific test pits that show the water table and that some of the test pits passed and some failed. All test pits were witnessed by Mike Cromwell from the county and only those test pits that were satisfactory will be used. Jim asked what kind of septic the houses would use. Mr. Boyd was not sure but the goal would be to keep them shallow, but deep enough to make them work. Mr. Boyd would recommend a Residential site design for all three lots.

Peter asked if there were any other questions from the board.

Peter then opened the hearing to public comment at 7:52pm.

Mark O'Day and abutter asked where the driveways would be. Mr. Boyd responded that the driveways have to be included on the plan, but are not necessarily going to be placed there. He thinks that it will be closer

to Mr. O'Day's property line because of the area, but he is not sure. Peter explained that there will be a driveway permitting process for those issues.

Mr. O'Day asked if the housing plan come to the planning board as well. The board responded that the house permit would go through the Selectmen with the building permit application.

Peter Graves another abutter questioned which side is the electric was going to come from. Mr. Boyd said that Unitil would decide that.

Ed Woicak, of Marshall Law, spoke on behalf of Andy White, who was unable to make the meeting due to work comments. Mr. White had submitted a signed letter to give Mr. Woicak permission to address the board on behalf of him. Mr. Woicak explained to the board where Mr. White's property was located and Mr. Boyd marked the line on the plan. Mr. Woicak explained that he had been in contact with Mr. Boyd earlier and they had agreed on some points of the line, but there appears to be a gore or gap in the line. Mr. Boyd explained the different tools that are used to find North and how there can be little variations at times. The only instance that they would be exactly the same is when using grid North. Mr. Boyd worked his plan from a previously recorded plan and on that plan it indicated the tool that was used by the sign on the plan. Mr. Woicak indicated that the lines seem to match up, but he and Mr. Boyd will touch base after the meeting to discuss it further. There is 3/8<sup>th</sup> of an inch in question on the line.

Mr. Woicak expressed that Mr. White's only other question was about an old woods road that cuts onto the White's property. Mr. White was told that he was allowed to use that road and was given a key to the cable that blocks it off. Mr. Boyd saw no evidence of the road, because of the tree cutting that was already done. Scott Lowell explained some of the history of the lot, and Mr. Woicak said he will have it researched. Other than the lot line and the road Mr. Woicak explained that Mr. White has no objections to the subdivision.

Peter explained that the subdivision approval is based on the application and the abutter issues, while important are for the owners to resolve. He indicated that there should be some resolution before the official sign off on the plans.

Scott Lowell asked if the properties end at the town line. Ms. Underwood's property does stop at the Kensington/Hampton Falls line.

Bob Solomon asked what the boards' suggestions for the road delineation would be. Peter explained that a short period of time should be allowed for Mr. Boyd to work something out with the abutter. He explained to the people in attendance that the planning boards' jurisdiction is on the plan and they have to follow the checklist, he asked them to resolve this as soon as possible. Dylan expressed that the application is complete, anything to deal with the woods road and potential boundary issues is a civil dispute and this is a certified plan by the certified engineer. He does have to revise the locus and the board has to accept the waivers.

Peter explained that there are 3 copies of the amended plan and the board is going to review them.

Glenn Ritter asked if the tree protection plan would affect this and does the board need to make a motion on it. It was confirmed that the Underwood's did get the Intent to Cut permit to cut the trees that were removed.

The board looked over the plan presented.

Peter closed the hearing to public comment at 8:16pm and asked the board if they had any other comments before they proceeded.

Peter read through the checklist that will be in the applicants file.

Road Manager David Buxton had brought up at an earlier time about the drainage off of Wild Pasture Road, and the board indicated the drainage issue will be discussed further during the driveway permit process.

**Joan moved to accept the application and Jim seconded it.**

**Peter read through possible conditions:**

- 1. Stamps need to be updated**
- 2. Soil Scientist needs stamp/Engineer and Wetlands soil scientist need to be added.**

Peter read the letter from Millennium Engineering addressing the need for waivers.

- 1. Glenn motioned to approve waiver on subdivision Article 4.7.1 B-4 Rectangular Lot- Jim seconded. Each lot in question is much larger than the minimum requirements. All in favor. Waiver granted.**

2. **Joan moved to grant the Waiver on Article 4.20 and Article 4.21 and Jim seconded it. The trees on the lot had already been removed and this is for a larger subdivision. All in favor. Waiver granted.**

**Both requested waivers are granted and will be noted on the plan.**

The board made a RECOMMENDATION to make a Resolution of boundary line on lot 1c to be resolved by next meeting, and if the woods road is in the deed then it should be included on the plan.

Joan has a question on the proposed well and easement area it goes right to the well. Mr. Boyd explained that it really doesn't it is about 40 ft., but it can be moved. Dylan explained that having that on the plan is supposed to show the board that one can fit there.

Glenn saw that there was a misspelled word on the plan that will be corrected.

**Jim motioned for a conditional approval, Kate seconded; approval with the following conditions.**

1. Locust needs to be corrected.
2. Monumentations certification included.
3. Stamps-surveyor, wetland and soil scientist updated and included.
4. Both waivers keyed onto the plan.

Application is approved with the conditions.

**Public Hearing Ended at 8:37pm.**

#### **Unitil- Scenic Road Tree Trimming/removal**

The purpose of the hearing is the following:

For the Local Utility Company Unitil to remove and trim trees on Kensington's Scenic Roads; Muddy Pond Rd, Stumpfield Rd, Wild Pasture Rd, Highland Rd, New Boston Rd; Pursuant to RSA Chapter 231:157 and RSA 231:158. Public Notification is required on Scenic Roads within Kensington pursuant to Chapter II, Article 5.1a of the Zoning Ordinance and Land Use Regulations.

Peter opened the public hearing at 8:40pm:

Chris Moulthrop addressed the board and explained that there are a total of 69 trees that are identified. There has not been permission obtained yet from all property owners. Mr. Moulthrop will be getting the approvals after the board issues their approval. They are targeting a hot spot this time, where they have had outages. After this the roads will be part of a regular maintenance program.

Bob Gustafson questioned why the 8 trees are still marked on Muddy Pond Road onto West School Road. He was told that there was supposed to be a crane coming in and he would still like them cut. Mr. Moulthrop explained that would be removed. Peter express that on route 150 there were a lot of trees left high on the side of the roads. Mr. Moulthrop explained that he had reminded the contractor to get out there and it took a long time. Asplundh and Mayer Tree Service are the current companies that cut trees for Unitil. Peter asked the board if there were any other questions.

Scott said he noticed that there are a lot of no permissions marked on the sheet and made sure that Unitil won't remove any trees without permission. Mr. Moulthrop explained that they don't take the trees without permission, but the trimming just needs to be noticed, and there is going to be some trimming.

Peter opened up the hearing for public comment and there was none.

**Joan moves to approve Unitil to proceed; Kate seconds; all in favor.**

#### **New Business:**

##### **Telecommunications Ordinance-**

Peter asked who is responsible for removing towers and for maintenance. They are not owned by the property owner, they are owned by a tower company. Peter explained that when a tower goes obsolete, no one is left with the responsibility of removing the tower. He is looking to make sure that there is someone that is responsible for removing them. Because we have approved the use, no one is responsible and it can cause problems. Bob asked if it would be the property owner who is responsible to remove the tower. Jim asked if this came up during the East Kingston Tower, it was explained that one is more that people didn't want it. Joan is there a projected lifetime of them? Would they actually fall down?

It could last for 40-50 years. Bob suggested that the board should make sure that if it does fall, it would fall on its own property. Dylan handed out RSA 12-K:1 for the board to look at, Kathy will forward it with the

minutes to all board members. He also expressed that there was an Article in NH Town and City, Article 544; that the board should read.

Glenn expressed that the board should look at solar panel removal as well along with the towers. Glenn expressed that the solar company is leasing the land and in the rules it states that they need to get rid of it.

**Wind Tower Ordinance –**

Peter would like the board to review it and start some suggestions.

How high the structure can be and the way it is written now it is an ordinance and you can grant variances, it needs to be more consistent with what the state has, ours is more restrictive.

**Driveway sight distance for residential lots-**

The board discussed the issues of the sight restrictions and how to deal with issues that come up and they would like to invite David to the next meeting.

Peter asked if anyone had anything they wanted to bring up to the board.

Joan brought up a case in Portsmouth and thinks that the board should follow that to see how it turns out. Dylan suggested that the CO doesn't get issued until the approval is met. Joan indicated that major consequences need to be written in the regulations somewhere saying that they need to fix any incorrect situations.

The board is aware that the route 107 will be developing on Seabrook's end so they are looking to plan ahead for situations that might come up.

Kate expressed that the Town Engineer should be the one to help with the enforcement.

**NFIP –**

Kate reminded the board that the NFIP passed and asked what the boards' next step is. Kathy informed the board that Jen had been contacted and will be doing a formal meeting with all towns people involved with the any part of the NFIP process. Kate brought up that she thought the site plan regulations were already approved, after looking back in the minutes they were in October of 2013.

**OLD BUSINESS:**

**Memorandum of Understanding- with the DOT-**Peter signed. Kathy will forward to the State.

**OTHER BUSINESS:**

***Approval of January 21, 2014 meeting minutes.***

***Jim motion to accept, seconded by Joan all in favor.***

Respectfully Submitted,  
Kathleen T Felch, Planning Board Clerk