

Kensington, NH
Planning Board Minutes
November 20, 2018
Approved 1/15/2019

In attendance: Christopher Chetsas, Peter Merrill, Jim Thompson, Glenn Ritter, Julie LaBranche, Mike Schwotzer – Selectman's Representative

Others in attendance: Wendy Osgood, Eric Mercier, Skip Heal, John Andreas, Peter Landry, Dorothy Dibona

Chris called the meeting to order at 7:05pm.

Public Hearings:

Wendy Osgood, 62 Osgood Road, Kensington, NH, Map 12, Lot 45 B-1, for a Site Plan Review, in accordance with Article IV Site Plan Review Regulations of the Kensington Zoning Ordinance. The applicant proposes to operate art classes and occasional therapy sessions from her residence.

Mike motioned to open the public hearing at 7:06pm, Glenn seconded, all in favor. Jim removed himself as he is an abutter to issue #1, Glenn will be active member for tonight's discussions.

Wendy explained to the board that she was approved 2 years ago when she applied. She hopes to have art classes several times a week in her basement in addition to therapy sessions approximately 3 times per week. She hasn't updated her basement yet to accommodate the classes and therapy sessions but there would not be more than 6 cars at a time. Chris asked for parking area design. Wendy responded that it was provided to Kathy Felch. Chris said that she would need to apply to the ZBA for the psychotherapy sessions. There was discussion of how the cars would be parked based on the provided photographs of the driveway and sketches. Concerns were brought up regarding how the cars would fit and would be able to maneuver to avoid backing out into the road. Mike asked if Wendy has a garage and asked how many vehicles she owns. Wendy has 1 car and it would be kept elsewhere on the land to keep the driveway free. Julie said based on the square footage on the Tax Card for the property, the half of the basement Wendy is requesting used for her business meets the requirement for no more than 25% of the space. The hours of operation are to be determined according to Wendy, but she asked for allowance Monday through Saturday 9am to 5pm hours. She also requests a 4 square ft wooden sign at front of the driveway next to mailbox. There was discussion on the sign and requirements from the ZBA approval, and it was determined that the sign permit would still need to be granted. Peter Merrill asked if the basement would need to be outfitted for the classes and psychotherapy sessions to take place. Wendy replied that there is furniture and a pellet stove existing in that space and that is the same space that will be used.

John Andreas, Trimble Trail – John asked for the date of the original decision, and 11/1/16 was provided. John said it was his understanding that if there were no actions on the approval for 2 years, the approval is null and void and would require starting the process over again. Julie confirmed that she was starting from the beginning with a new application.

Skip Heal, Osgood Rd – Skip is unhappy with this proposal. He feels that Kensington is a rural community, he does not like the idea of a sign on a scenic road for a business, and is concerned about traffic. He also expressed concern about exits from the basement in case of an emergency. Skip was also concerned about the enforcement of any decisions for the business to operate. It was determined that there would need to be a complaint from an individual(s) to the Board of Selectman if the business was operating outside of what was permitted.

Chris stated that the Planning Board cannot make a decision at this time until the application goes to the ZBA. Julie suggested the Planning Board do a site visit prior to the next meeting to have a better conversation about traffic flow and emergency access. Glenn suggested going through the Checklist for next meeting.

Julie said she suggests drafting a memo of some of the items they are interested in knowing about. Julie will draft a memo for next Monday or Tuesday to be distributed to the board.

Peter motioned to continue the public hearing at 7:35pm Mike seconded. All in favor.

Matthew and Heather Andrews of 20 Moulton Ridge Road, Kensington NH, Map 11 Lot 42-2 and James C Falconer, Trustee of the James C Falconer Revocable Living Trust and Doris H Falconer, Trustee of the Doris H Falconer Revocable Living Trust Map 11 Lot 42-3, for a Lot Line Adjustment in accordance with Article III Section 3.2 G1 of the Kensington Subdivision Regulations. The intent is for the property owners to adjust the current property lines by reducing the lot area of Lot 42-3 to 3.362 acres and enlarging Lot 42-2 to 5.692.

Mike motioned to open the public hearing at 7:37pm. Chris seconded. All in favor.

Peter Landry approached the board explaining that he was here to represent the land owners and that this was a simple lot line adjustment. The monuments have been set and a monument certificate as required by the town for part of the application. Mike asks if lot 42-2, 42-1 is an abutting lot not part of the project, 42-3 is the one that will be affected by new adjusted lot line at the back. Mike asks for clarification of Parcel B, that was part of a U shape once part of 42-3, that parcel B is being added to 42-2.

Chris opened the meeting for Public Comments.

Public comments: Eric Mercier is an abutter. Eric wants confirmation that this is only to cleanup the lot lines. Asks if this change would cause any effect as time passes, such as a potential further subdivision. Peter confirms that there are no plans for that at this time.

Jim motioned at 7:45pm to approve the lot line adjustment, Chris seconds. All in favor.

Peter motioned to close the public hearing at 7:47pm, Jim seconded, all in favor.

Mike motioned to open public hearing at 7:48, Jim seconded.

Richard Cosentino and Dorothy Dibona, Trustees of the Richard Cosentino and Dorothy Dibona Trust of 2 Laurel Lane, Kensington NH, Map 18 Lot 16 and Dorothy Dibona, Trustee of the Dorothy C Dibona Revocable Trust Map 18 Lot 17, for a Lot Line Adjustment in accordance with Article III Section 3.2 G1 of the Kensington Subdivision Regulations. The intent is for the property owners to adjust the current property lines by reducing the lot area of Lot 17 to 17.930 acres and enlarging Lot 16 to 13.196.

Dorothy Dibona approached the board to request the lot line adjustment so that she has more acreage and could put the land in current use. Discussion on the location of the current lots followed. Peter asked about the size of Parcel C and had concerns about the lot shape ordinance. Discussion on lot line locations. The board read a letter written by an abutter. Jim went through the checklist.

At 8:08pm, Jim made a motion to accept the lot line adjustment. Peter seconded, all in favor.

At 8:09pm, Chris motioned to close the public hearing, Mike seconded, all in favor.

Zoning Board Joint Meeting

John Andreas was present from the ZBA for the joint meeting. The ZBA was presented with a letter. There was discussion on the Smith property on Olivia Lane. Julie expressed that she felt there was not enough site approval and visit at the ZBA. It was suggested that there be a more flexible process for the applicant and combine to one application. Julie suggested repealing the special exception and replacing with the conditional use permit.

John clarified that the way the Smith property was described was child development in the house. John did a site visit and went and looked at the space for vehicles. He expressed that we are a rural town but we don't have much commercial zoning, so if people want to operate a business in town, they are quite limited. John would want to discuss removing special exceptions and moving to conditional use. Mike said that they would be looking at the home occupation, and asking the questions, does it fit with the community and area. There is confusion between the planning board and zoning board because what is presented could be different. John asked what can we do differently if comes to ZBA as Plan A and Planning Board as Plan B. Mike suggests someone with dual membership to both boards. John stated that when he read the memo originally sent to the ZBA, he was under the impression that the Planning Board felt the ZBA was not doing their due diligence before granting approval.

Julie pointed out that the home occupation Checklist for the Planning Board has things on it that are not included in the application. She recognizes that there should be a site plan, sketch, and additional description. There is a feeling that the current application does not have clear enough expectations and instructions for applicants. John feels the process isn't lacking. Discussion on the process and redundancy within the process. There was additional discussion on what would trigger an inspection and variances.

Julie said home occupations are getting more and more popular because they are looking at the economical elements, convenience, trying to find a process that is better for the boards and the applicants is important. It was suggested that the application should ask for a worksheet and site plan, and this should be clear on the application. John and Julie agreed that there is redundancy between the two boards. John was supportive of making it easier for the applicant, but expressed concerns that the ZBA unfortunately has a lack of volunteerism and because of that, the process could be slowed down.

Julie asked the board if they wanted to go forward with ordinance change or take another year to discuss and revise. Mike suggested working with the ZBA on the application to help streamline the process and felt that not everything has to go to the ZBA and the planning board.

John there has to be some inspection process and ability to ensure that the ZBA and the Planning Board are presented with the same information.

Julie said she suggests continuing conversation with ZBA and at minimum, revise the application forms to be more explicit and specific for applicants. It was suggested to implement a policy that if the application for the ZBA does not match the presentation to the Planning Board, the Planning Board cannot make any decisions due to incomplete or conflicting information.

Proposed Amendment to Article VI Natural Resource Protection Regulations, Section 6.1.6

There was significant discussion on hydric soils and the distance from which structures can be placed from them. There is room for confusion the way the ordinance is currently written.

At 9:43pm, Mike made motion to change ordinances to include setback of 25 ft to both ordinances 6.1.6 C and 6.1.6. D. Jim seconded. Mike, Jim, Chris, Peter, in favor. Glen opposed.

Mike led a discussion on proposed changes to Kensington Zoning Regulations per Article II Section 2.1 G.

The first proposed change was to Amend Article II Section 2.1 C1 by deleting the word 7:30 and inserting the word 7:00. It would then read in part: "Meetings 1. Regular meetings shall be held at the Kensington Town Office Building at 7:00pm on the first Thursday of each month."

The second proposed change was to Amend Article II Section 2.1 C2 by adding a new beginning sentence that reads: "The Planning Board consists of seven regular members appointed by the Board of Selectman"

The third proposed change would delete the word board and insert the words: regular members currently in office. It would then read in part: "Meetings 2. The Planning Board consists of seven regular members appointed by the Board of Selectman. A quorum for regular business shall consist of a majority of the regular members currently in office."

Mike made motion at 9:48pm that the three proposed changes be adopted. Jim seconded. All in favor. These changes will be read for a second time at next month's meeting.

Jim motioned to approve the minutes from last month's meeting at 9:51pm with the condition that the spelling of Chris' last name be corrected. Mike seconded. Mike, Chris, and Jim voted in favor, Peter and Glenn abstained.

Julie would like to keep the discussion with the ZBA going in future meetings.

Chris motioned to adjourn the meeting at 9:54pm, Jim seconded. All in favor.

Respectfully submitted,

Chelsea Lalime