

KENSINGTON PLANNING BOARD MEETING
Virtual Meeting due to COVID-19
TUESDAY APRIL 23, 2020 – 7:00pm
Meeting Minutes - Approved 5/19/2020

In attendance: Mary Smith, Vice Chair; Robert Chase, Member; Jim Thompson, Member; Therese Wallaga, Member; Christine Ouellette, Member; Mike Schwotzer, Member; Glenn Ritter, Alternate; Vanessa Rozier, Selectman's Representative; Julie LaBranche, Rockingham Planning Commission

At 7:08pm, Mary called the meeting to order. Mary read a notice pursuant to the Governor's order on the COVID-19 pandemic. The phone connection is in working order and the Board paused to allow the public to notify of any issues joining this meeting.

The Board discussed elections and whether they want to do them under these circumstances. **At 7:15pm, Jim made a motion to defer elections until a regular Board meeting can be held. There was no second to the motion.**

At 7:18pm, Vanessa made a motion to appoint Christine as a full member for this meeting. Rob seconded. A roll call vote was taken by Mary. Mary voted yes, Jim voted yes, Mike voted yes, Vanessa voted yes, Rob voted yes, Therese voted yes, and Christine voted yes. The motion passes.

At 7:19pm, Mary nominated Rob Chase as Chairman. Vanessa seconded. A roll call vote was taken by Mary. Mary voted yes, Jim voted yes, Mike voted yes, Vanessa voted yes, Rob voted yes, Therese voted yes, and Christine voted yes. The motion passes.

At 7:20pm, Rob nominated Mary Smith as Vice Chair. Jim seconded. A roll call vote was taken by Rob. Mary voted yes, Jim voted yes, Mike voted yes, Vanessa voted yes, Therese voted yes, Christine voted yes, and Rob voted yes. The motion passes.

At 7:21pm, Rob opened the first public hearing and read the following aloud:

An application for a lot line adjustment by Soaring Hawk, LLC and Stephen Kaneb for Andrea J. Kaneb, Revocable Trust, Andrea J. Kaneb, Trustee to transfer 2.669 acres of land from Tax Map 2 Lot 13 to Tax Map 2 Lot 15 in the Town of Kensington.

The Board reviewed the lot line adjustment application and went through the checklist. Joel Connelly, the surveyor from Greenland Peterson Inc. spoke on behalf of the applicants. There was brief discussion on the square footage of the parcels and their locations as the applicant's own property in both Kensington and South Hampton. It was explained to the Board that because the deed includes this land as one parcel, the applicants would be unable to convey the South Hampton land and keep the Kensington land. There are no structures on the parcel. There was discussion on how the property would be accessed. Mr. Connelly confirmed that the access to the property would not change. It was noted that the lot line adjustment would also need to be approved by the South Hampton Planning Board and the Kensington Planning Board would need notice of that, in addition to a certificate of monumentation. The Locust Maps would need to be corrected to show Horsehill Rd as South Rd. The public hearing was closed at 7:44pm.

At 7:44pm, Mary made a motion to approve the lot line adjustment with the following conditions: the South Hampton Planning Board approves the lot line adjustment, a Certificate of Monumentation will be provided and the monumentation will be done with bounds, and that on the Locust Map Horsehill Rd. be changed to South Rd. Vanessa seconded. A roll call vote was taken by Rob. Mary voted yes, Jim voted yes, Mike voted yes, Vanessa voted yes, Therese voted yes, Christine voted yes, and Rob voted yes. The motion passes.

At 7:47pm, Jim made a motion to appoint Julie and Vanessa to oversee the conditions of approval for Soaring Hawk Farm. Mary seconded. A roll call vote was taken by Rob. Mary voted yes, Jim voted yes, Mike voted yes, Vanessa voted yes, Therese voted yes, Christine voted yes, and Rob voted yes. The motion passes.

The Board took a brief recess at 7:50pm and resumed at 7:55pm.

At 7:57pm, Rob opened the second public hearing and read the following aloud:

A request by 152 Drinkwater Road, LLC to amend the conditions of approval, as stated in the Notice of Decision dated October 24, 2019 (Case No. 2019-9-15-7), for a site plan approved on October 15, 2019 by the Kensington Planning Board. Said property is located at 152 Drinkwater Road in the Town of Kensington, NH and identified by the Town Tax Map as Map 15 Lot 7.

Tom Quarles, Attorney representing 152 Drinkwater Rd, LCC gave summary of the project and the Planning Board Approval on October 15, 2019. With that approval, there were 17 conditions required either before construction begins or before a Certificate of Occupancy is issued. Attorney Quarles explained that they felt that some conditions were out of order and they had problems with some of the conditions as they pertain to unrelated matters. Conditions that were of particular concern was the requirement of a complete DES review and if necessary, remediation of wetlands in the back of the property prior to beginning construction. It was made clear that the applicant is willing to work with DES on this but does not feel that this should hold up beginning the construction. Additionally, the requirement to have the complete 108 acre parcel surveyed, specifically including a town boundary, the applicant feels is the responsibility of the town and not the private landowners. Attorney Quarles and Kensington Town Counsel met with Julie LaBranche in December and at that time, there was a general agreement that the order did need to be changed and the conditions could be better organized. A letter dated February 25, 2020 was submitted explaining the history and provides Exhibit B, a redline version of the changes requested and Exhibit C, the proposed changes accepted. The applicant hopes that Exhibit C is accepted by the Board.

The Board reviewed Exhibit B line by line reviewing the proposed changes. Attorney Quarles, Alex Ross, John Roth answered questions from the Board.

There were no questions from abutters, citizens of Kensington, or the general public. In an effort to ensure anyone who wanted to ask questions or have their voice heard could do so, all participants were unmuted by the host and Rob asked again if anyone from the public wished to speak. There were no questions.

Building Inspector Norman Giroux asked the Planning Board to ensure he receives a copy of the conditions.

Rob stated that because NHDES is now addressing the wetland issues, it doesn't seem necessary for the Planning Board to do so as well and Rob feels comfortable with relying on the expertise of NHDES. Vanessa pointed out that if this becomes an enforcement issue it would lie within the BOS to address any issues with compliance. There was a brief discussion on the town markers and the survey of the land. The Board unanimously felt that they were ready to move forward. At 9:12pm, the public hearing was closed.

The Board suggested that the letter from the NH Division of Historical resources be provided to the town.

At 9:20pm, Mary made a motion to approve the amended conditions from February 25th as shown on Exhibit C with the revisions added and as revised at the public hearing on April 23rd which are as follows:

A. Conditions of Approval that must be fully met before: 1) signing of the mylar site plan, 2) issuance of any other town permits or approvals, and 3) before the commencement of any construction permitted by the Site Plan Review approval by the Planning Board.

- 1. All applicable federal and state approvals shall be granted and copies of these approvals provided to the town.*
- 2. The property owner shall confer with the NH Division of Historical Resources regarding the required protocol for investigating the possible presence of archaeological resources on the property and file necessary applications for state approval. A copy of any application shall be submitted to the town. The applicant shall follow the best practices for archaeological asset protection and preservation recommended by the NH Division of Historical Resources.*

3. *The town shall issue a driveway permit for the new driveway approved by the Road Manager and the Planning Board designee. The existing driveway shall be discontinued.*
 4. *The property owner shall submit revised site plans including traffic directional signage, other signage and lighting plans for approval by the Planning Board, town engineer and Fire Chief. Site plan revisions shall include update of abutters on all plan sheets where they occur, location of fire cistern and easement area, and the locations of the two proposed signs at the driveway entrance. The revised lighting plans shall reduce the number of exterior lights beneath the roof overhang of the stable and arena and a note added that exterior lighting shall be off by 10:00pm daily. The applicant shall apply for a sign permit for approval by the Building Inspector.*
 5. *The Fire Chief shall determine whether a Spill Prevention Control and Countermeasure Plan (SPCC) is necessary as required by the Kensington Site Plan Review Regulations Section 4.6.F.7.*
 6. *The property owner shall prepare a detailed site inspection schedule for approval by the town engineer. The town engineer shall inspect the development site to confirm that required erosion and sediment controls have been installed before land disturbance, demolition or construction can begin.*
 7. *All fees must be paid in full and a performance guarantee in the form of a self-calling letter of credit or cash surety must be posted for the full amount of the Construction Cost Estimate dated 10/15/19 as approved by the town engineer and Planning Board.*
- B. Conditions of Approval that must be met before a Certificate of Occupancy will be issued.*
8. *The property owner shall provide any applications to and wetlands permit(s) issued by the NH Department of Environmental Services Wetland Bureau for jurisdictional impacts to wetlands at the rear of the property.*
 9. *The property owner shall provide documentation from the Department of Environmental Services Wetland Bureau that the remediation of the "front wetland" (adjacent to Drinkwater Road) has been completed in satisfaction of the DES mitigation plan for this wetland.*
 10. *The Fire Chief and Planning Board shall approve the revised cistern easement which shall include updated metes and bounds for the fire cistern location.*
 11. *Signage to direct traffic to North Road and signage content, materials and size shall be approved by the Town in accordance with applicable Town regulations. Signage to be provided by the applicant.*
 12. *The Kensington Fire Chief and Building Inspector shall inspect and verify completion of building and infrastructure construction in accordance with the approved site plans before a Certificate of Occupancy is issued.*
 13. *As-built plans shall be submitted to the Town within 60 days of the completion of construction.*

A roll call vote was taken by Rob. Mary voted yes, Jim voted yes, Mike voted yes, Vanessa voted yes, Therese voted yes, Christine voted yes, and Rob voted yes. The motion passes. Julie and Rob will continue to oversee the conditions of approval are met.

OTHER BUSINESS:

- Discuss / generate a list of all non-conforming buildings / businesses in town
 - It was requested by Mike that this issue be postponed indefinitely until he can have access to the Assessing records for verifications.
- Discussion of Workshop meeting
 - The Board discussed the concept of a separate workshop meeting to work on establishing and achieving long term goals where no cases would be heard. The Board collectively thought that this was a good idea. Julie, Kathy and Vanessa will work on a draft list of items that the Board should address and then the Board can prioritize those items and set a schedule.
- RPC Circuit Rider
 - There was a brief discussion on the amount of time that Julie spends on each application and offered alternative billing methods for her review time. There is a concern that if a significant portion of the Circuit Rider Contract is spent on one application, other items are not able to be addressed. This will be continued at a later meeting. The contract ends on July 1 and Julie suggested that the Board review prior to then.

Mike noted that the ZBA has an outstanding hearing relating to 152 Drinkwater Rd, LLC and the applicant should submit confirmation that as a result of the meeting tonight, there is no need for the ZBA hearing.

The Board discussed whether they should be accepting any further applications during the COVID-19 crisis. It was noted that the Governor's Executive Orders have released the Planning Board from the typical requirement to meet on a particular schedule or comply with deadlines for the duration of the Executive Order. After brief discussion, it was decided that the Board should not pick and choose which applications to hear. It was also noted that if they decline to accept application, there could potentially be a backlog that would need to eventually be addressed. It was recommended that the requirements the applicant would need to fulfill in order to have their application reviewed would need to be very clear (ex. A full set plan to be sent to each Planning Board member and alternate, the capacity to share their screen, etc.). The conversation will be continued in a workshop meeting prior to the next public meeting.

The Board reviewed the minutes from the January 21, 2020 meeting. **At 9:59pm, Mike made a motion to approve the minutes as presented, except for the removal of the bold section of the last paragraph on the first page. Jim seconded. A roll call vote was taken by Rob. Mary abstained, Jim voted yes, Mike voted yes, Vanessa voted yes, Therese voted yes, Christine voted yes, and Rob voted yes. The motion passes.**

The Board reviewed the minutes from the February 18, 2020 meeting. Rob suggested that he needs to be removed from the individuals listed who were present for the site walk (2 places) and an editorial correction. **At 10:02pm, Vanessa made a motion to approve the minutes from February 18, 2020 with the 3 suggested changes. Therese seconded. A roll call vote was taken by Rob. Mary voted yes, Jim voted yes, Mike abstained, Vanessa voted yes, Therese voted yes, Christine abstains, and Rob voted yes. The motion passes.**

There was a brief discussion on the signing of the Mylar for the Buxton Subdivision.

At 10:11pm, Vanessa made a motion to adjourn. Rob seconded. A roll call vote was taken by Rob. Mary voted yes, Jim voted yes, Mike voted yes, Vanessa voted yes, Therese voted yes, Christine voted yes, and Rob voted yes. The motion passes.

Respectfully submitted,

Chelsea Lalime