

Planning Board Meeting Minutes
Tuesday, June 16, 2020
Town Of Kensington
Virtual Meeting via Zoom Platform
7:00pm
Meeting Minutes - Approved 07/21/2020

Attendance: Robert Chase, Mary Smith, Vanessa Rozier, Jim Thompson, Christine Ouellette, Therese Wallaga, Mike Schwotzer, Sandra De Maree (resident), Elizabeth Webber (resident), Chris Moultroup (Unitil Rep).

Therese Wallaga made a motion to open the meeting at 7:06 pm. Jim Thompson seconded. Roll call vote:

Mary Smith – yes

Therese Wallaga – yes

Jim Thompson – yes

Mike Schwotzer – yes

Christine Ouellette – yes

Vanessa Rozier – yes

Robert Chase – yes

Robert Chase then read the Checklist for the Right to Know Law compliance for the virtual meeting platform. Mr. Schwotzer joined the meeting at 7:15pm.

Roll call attendance:

Robert Chase – alone

Mary Smith – alone

Therese Wallaga – alone

Jim Thompson – alone

Mike Schwotzer - -alone

Christine Ouellette – alone

Vanessa Rozier – alone

Chris Moultroup (Unitil) – alone

Elizabeth Webber (Resident) – alone

Johnathan Podolsky (Resident) – his wife was also present

Sandra DeMaree – no audio

Jim Thompson made a motion to appoint Christine Ouellette as a full member for the meeting tonight. Mary seconded. Roll call vote:

Jim Thompson – yes

Mary Smith – yes

Therese Wallaga – yes

Mike Schwotzer – yes

Robert Chase – yes

Public Hearing re: Unitil to remove and trim trees on Kensington's Scenic Roads

Chris Moultroup was present to speak on behalf of Unitil with regard to scenic roads and tree trimming.

Vanessa made a motion to open the Public Hearing. Jim Thompson seconded. Roll call vote:

Mary Smith – yes

Christine Ouellette – yes

Vanessa Rozier – yes

Therese Wallaga – yes

Jim Thompson – yes

Mike Schwotzer – yes

Robert Chase – yes

Robert Chase shared his screen to show maps of the roads in discussion while Chris Moultroup spoke about the scenic roads in town. The scenic roads in discussion are Muddy Pond Road (portion west of Trimble Trail), Stumpfield Road (portion west of pole 12), Wild Pasture Road (southern half), Highland Road (whole road) and New Boston Road (hole road). He explained that under normal circumstances contact would be made by knocking on doors. Due to COVID, a contractor will be making phone calls to contact land owners where there are hazard trees of concern. Following approval a list is made with those who gave permission before the work is completed.

The meeting was open to questions and comments: Mary Smith asked about a timeframe of when the list is made before the work is done. Chris explained once contact is made with the homeowners the time frame is about a month. Vanessa Rozier asked a question specific to the Right of Way, whether a homeowner has a say if a tree is removed within a right of way. Chris explained that nothing is removed without a landowner/abutting landowner permission. There is a 45 day period if there is no communication from a landowner, and then trimming is permitted. Robert Chase reiterated that there is no removal of trees without permission but that trimming is a different situation. Given the 45 day rule an owner can refuse trimming although it is unfortunate given the reason to protect the power grid. Discussion continued that in some towns scenic roads have different ordinances than a regular road. Chris added that for trimming anything within 15 feet above a line, 10 feet to the side and 10 feet below is permitted to be trimmed. Mike Schwotzer reviewed the definition of a scenic road and explained that is the reason we are having a public hearing. Robert Chase asked if stump grinding was part of their procedure, it is not. Therese Wallaga expressed that there was a tree taken down on her property a year ago that is still laying there. Discussion between Ms. Wallaga and Chris Moultroup continued to have the tree removed the next time the truck is in town on Monday. Vanessa Rozier inquired when a tree is to be removed are there standards of what should be left behind. Chris explained that hazard tree removal is very subjective. It is largely determined by the type of tree, the severity of the defect and the lean of the tree. Unitil has a Storm Tree Trimming program which is much different than the trimming of scenic roads as is being discussed tonight. The public then had an opportunity to comment. Sandra DeMaree – no comment was given.

Elizabeth Webber – 6 Wild Pasture Road. Stated that she wants the 3 large trees on her property removed, as they are hazardous and one is completely dead. Discussion continued to have Chris assess the trees with her.

Johnathan Podolsky- cautioned on the removal of trees. Especially the large bull pines that could change the look of the road completely. He asked specifically about trimming that happened in that area of the road, just 3-4 weeks ago. Chris added that was due to a new pole being installed and wires needing to be transferred. Mr. Podolsky added that permission was not requested for that work. Mr. Moultrou apologized as tall growing species are troublesome and they try to maintain what is there under the circumstances.

It was asked if the board had any further questions. Mary Smith spoke of concern regarding branches and what if a landowner doesn't hear from someone if they have a concern about branches. Chris offered to meet with her regarding her concerns on Thursday morning. Robert Chase inquired about the outreach to the town and if there was any town owned parcels that would be effected. Chris will reach out to the Road Agent to discuss further. Discussion regarding scenic roads continued and was referenced in the Zoning ordinance book. Vanessa referenced RSA 231-138 was rescinded and further review would be needed to know if this needs to be reviewed.

Letters of Concern from 2 separate residents with responses:

PLANNING BOARD PUBLIC HEARING ON TREE TRIMMING 6-16-2020

Residents who voiced concerns over tree removals.

KATHY CONTI- NEW BOSTON ROAD

> -----Original Message----- > From: Kathy Conti <kcsvw@comcast.net>

> Sent: Sunday, June 7, 2020 11:29 AM > To: Kathleen Felch Selectmen Asst.
<kensington@kensingtontown.com>

> Subject: Scenic roads

>

> Hi, I am writing this, not sure if I will make it to meeting, will try.

> My thoughts, as I am the only one who lives on New Boston Road.

> A scenic road is a scenic road for a reason. We enjoy the trees on both sides of our road.

> On the other side, across from our house, the trees are a huge buffer, from the busy CP lumber.

> On my side, they are far back from our road, on the side, and are a beautiful site to us.

> I have given permission in the past for Unitil to trim branches near the wires going down my road. I still give permission for that, if branches are near wires or touching them.

> I will NOT give permission to have any trees taken down that are not dead or fallen down already.

> Therefore I am against this completely. Please relay this at meeting, if I can't be there.

> If they have any questions, they can contact me directly and talk to me.

> Thank you

> Kathy Conti

> 3 New Boston Road

> Kensington, NH > kcsvw@comcast.net

> 394-7852

>

> Sent from my iPad

From: Kathy Conti <kcsvw@comcast.net>

Sent: Monday, June 15, 2020 11:16 AM To: Kathleen Felch Selectmen Asst.
<kensington@kensingtontown.com>

Subject: Re: Scenic roads

It doesn't look like I will be involved with the meeting tomorrow night , about scenic roads. Please relay my e mail I sent you last week , with my thoughts , to the meeting and as you stated , you will let Chris know my contact info , to contact me directly. Please e mail me after, and let me know outcome of meeting. Thanks so much. Kathy Conti

Sent from my iPad

Yes, you are correct; no trees are removed without prior permission for the landowner. This also applies to trees that are technically on town land (within road layout), we also make sure to get permission from the abutting landowner before removing these as people often think of these trees as being on their property.

Thanks,

Chris Moultroup Forestry Supervisor

1 McGuire St. Concord, NH 03301

T 603.227.4652 C 603.918.3440

From: Kathleen Felch [mailto:assessor@kensingtontown.com] Sent: Tuesday, June 9, 2020 3:54 PM To: Moultroup, Christopher <Moultroup@unitil.com> Cc: Deputy Town Clerk Sarah Wiggin <deputytownclerk@kensingtontown.com> Subject: RE: scenic road tree work

Hi Chris,

The email that I forwarded you from the New Boston Road resident was also forwarded to the board. They are asking if you have a policy about removing trees outside of the road right of way and on private property.

I stated that you are in contact with land owners, but they asked about the policy and I was unsure.

Do you have anything like that that I could forward to the board for the meeting on the 16th?

Sincerely,

Kathleen T Felch

MASON HOLLAND- STUMPFIELD ROAD

From: Mason Holland <masonholland3@gmail.com> Sent: Monday, June 15, 2020 2:09 PM To: Kathleen Felch <assessor@kensingtontown.com> Subject: Re: Roadside tree removal by Unitil

Hi Kathy,

Can you please forward this letter to the planning board? Thank you very much!

Dear Kensington Planning Board members,

I am writing to express my reservation about proposed tree removal along scenic roads of Kensington. In neighboring municipalities, extensive roadside tree removal has greatly reduced the pastoral charm of scenic and historic roads.

Whether Unitil intends this type of wholesale removal of attractive mature trees in Kensington, or a more selective trimming of high-risk branches and standing dead timber, is unclear from the announcement we received by mail.

I would ask that the planning board clarify what Unitil defines as a "hazardous" tree and involve town officials and property owners in making this assessment before any cutting begins.

Thank you very much for your attention and service to the town.

Mason Holland

Stumpfield Rd.

Response:

Hello,

The proposed work for these roads would be our regular maintenance pruning, the same as has been done on these roads in the past. The other type of work that Mason is referring to is our Storm Resiliency Program, which is high intensity work to remove all overhanging and hazardous trees near the most important portions of our main lines that feed the most people. That type of work will not be done here.

Thanks,

Chris Moultroup Forestry Supervisor

Mike Schwotzer made a motion to approve Unitils request for trimming on Scenic Roads. Mary Smith seconded. Roll call vote:

Mary Smith – yes

Jim Thompson – yes

Therese Wallaga – yes

Vanessa Rozier – yes

Christine Ouellette – yes

Mike Schwotzer – yes

Robert Chase – yes

Mike Schwotzer made a motion to close the public hearing. Jim Thompson seconded. Roll call vote:

Mary Smith – yes

Jim Thompson – yes

Therese Wallaga – yes

Vanessa Rozier – yes

Christine Ouellette – yes

Mike Schwotzer – yes

Robert Chase – yes

Status Reports on Conditions of Approval:

152 Drinkwater Road – All conditions needed now have been met. Project is moving forward. There are other conditions that will need to be met before a Certificate of Occupancy will be issued.

Buxton Subdivision – Not much more to do with this. Issues were raised with the bounds on Tannery Way. Peter Landry volunteered to finish those in an effort that his project can continue.

Kaneb Lot Line Revision – All conditions have been met. Mylar is signed and is in route to the registry of deeds.

Update on the Proposed Fee Schedule:

Robert Chase summarized the documents that were shared with the Board of Selectmen at their meeting on 6/15/20. He added that the proposed fees would go to a public hearing scheduled for 6/29/20, and if approved would be in effect 7/1/20. Discussion continued that in the future additional fees would be appropriate to review but at this time these more pertinent fees need to be addressed first.

Update on RPC Circuit Rider Contract:

Discussion regarding that this would also require approval of the Board of Selectmen and will be addressed in the public hearing on 6/29/20 as well. For an application the first 4 hours of review needed by the RPC would be covered by the contract. Additional time needed for the RPC to review and support on an application would be billed directly to the applicant. Mary inquired if the Board of Selectmen would be amenable to it. Robert added that he was under that impression.

Proposed ordinance changes regarding form of security:

In our ordinance it does not call for a letter of credit. Per recommendations and information from other towns, including NHMA an irrevocable letter of credit is a cleaner way of conducting business on a larger scale on behalf of the town. Discussion continued that this is no more or less expensive to the applicant. This is a standard contract with a bank and a borrower. Mr. Schwotzer added the procedure is a well defined vehicle to help the town. Vanessa Rozier added that it sets a standard and a timeline for funds to be released. This would pertain primarily to applications which have an impact on public maintenance and potential issues with roads. Further discussion continued about whether such an ordinance would need a public hearing or need to go to warrant article. Mr. Schwotzer believes we can change our own ordinances, Ms. Rozier will get clarification.

Mary Smith made a motion to replace Article III, section 3.2 subsection 0 and Article IV, section 4.8 with what is presented. Therese Wallaga seconded. Mike Schwotzer wants to add Appendix A. Mary amended her motion to include Appendix A for both articles. Therese seconded. Roll call vote:

Mary Smith – yes

Jim Thompson – yes

Therese Wallaga – yes

Christine Ouellette – yes

Vanessa Rozier – yes

Mike Schwotzer – yes

Robert Chase – yes

Subcommittee Updates:

Robert Chase explained that he has shared documents with Therese but there has not been progress other than that at this point. This will roll better at the July meeting when Julie is back.

Application Process Improvement:

Vanessa relayed that there is more to be done in this area. Of the information gathered so far, many resources have similar procedures as we do. The application process will continue to be reviewed.

Other business:

Approval of minutes from 5/17/20. The question was asked if the roll call votes needed to be written out everytime. It was the consensus that it does due to the right to know checklist. **Mike Schwotzer made a motion to approve the minutes from 5/17/20 with the page numbers being corrected. Jim seconded. Roll call vote:**

Mary Smith – yes

Jim Thompson – yes

Therese Wallaga – yes

Christine Ouellette – yes

Vanessa Rozier – yes

Mike Schwotzer – yes

Robert Chase – yes

Mike noted that in the minutes it stated that June 1st there would be Board of Selectmen updates on the use of Town Hall. Vanessa discussed that in Phase 2 the Town Hall procedures would be opening up. Staff will be more present. Protocols for public meetings to enter the hall. The Board of Selectmen would be the first to conduct a public meeting with some people present while others who prefer to also have access remotely is being worked on to have access available. For the time being all other boards will continue to use the Zoom platform. Mary asked if the Executive order was gone. It was discussed that it is not and there will be phases to reopen to normal business in time.

Next meeting will be held July 21, 2020 at 7:00.

Jim Thompson made a motion to adjourn. Mike Schwotzer seconded. Roll call vote:

Mary Smith – yes

Jim Thompson – yes

Therese Wallaga – yes

Christine Ouellette – yes

Vanessa Rozier – yes

Mike Schwotzer – yes

Robert Chase – yes