

KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON TOWN HALL
TUESDAY, AUGUST 16, 2011
7:30 PM
Public Hearings
Approved- September 20, 2011

In Attendance: Michael Schwotzer, Kate Mignone; Chair, Peter Merrill; Vice Chair, Joan Whitney, Dylan Smith, Rockingham Planning Commission Circuit Rider; Russell Perry, Selectman's Representative.

Chairman, Kate Mignone, opened the Planning Board meeting at 7:30pm. Kate expressed that they would like to keep the meeting to a $\frac{1}{2}$ hour for each public hearing.

NEW BUSINESS

Public Hearings

Kate read the Public Hearing Information for Mr. Brewer's Two Lot Subdivision.

Application of Peter Brewer for a two lot subdivision on Map 11 Lot 44. The parcel is located off French's Lane, M11, L44, in accordance with Chapter III, Article 3. The intent is for Mr. Brewer to subdivide a 3.4 acre lot from the existing 20 acre parcel, known as Map 11 Lot 44. Mr. Brewer was granted a variance for the road frontage on Map 11 Lot 44 which contains 20.59 acres, with frontage on French's Lane of 157.49 feet, the subdivided lot of 3.4 acres will have the correct 200 foot frontage.

Kate read the Board of Adjustment's decision. Peter Landry wrote a letter to the board and requested that the board waive the Soil Based Lot size determination utilizing the HISS mapping. Updated letters from Christian Smith and Dylan Smith were read as well. Copies of all the letters are available in the applicants file. In Dylan's letter he noted the recently added Steep Slopes District and that if there were steep slopes that are equal to or greater than 20% Mr. Brewer would need to get a conditional use permit. This article recently passed in March of 2011.

Kate then opened the Public Hearing and asked if Mr. Brewer would come forward and approach the board. Mr. Brewer's legal counsel, Robert Casassa came forward as well. Counsel expressed to the board that the plan before them was a different plan than the one that was previously brought before the board. He also indicated that they were there to request approval on the simple subdivision and that the waiver request will need action this evening. Mr. Casassa expressed that the applicant Mr. Brewer was fine with the suggestions on the reviews, but pointed out that in Beal's original letter it was just suggested to mark the parking spaces and the revised letter goes beyond what the applicant would like to do for this application. The Board reviewed the plans and Peter asked counsel to expand on what was meant by the parking stalls. Mr. Casassa repeated that they are something that existed and need to be delineated and respected. The parking stalls are the only thing that the applicant is hesitant on. Mr. Brewer explained that the spaces are now gravel and have been mowed around. Joan asked if there was a clearly marked trail. Mr. Brewer showed the board where the trail and markers are located. Mr. Brewer believes that the parking spaces that are there are sufficient. The driveway will be to the far right of the subdivided lot. Mr. Miller asked to review a copy of the plan as an abutter. Mike indicated that he would need to go back to the original subdivision plans and review the delineation of the parking spaces to be certain, originally there were 4 spaces available so that you could park off the road. Mike also indicated that Mr. Brewer's land actually sits back and that the proposed driveway is down closer to the proposed lot line. Kate questioned if consideration had been taken for the steep slopes? Mr. Brewer indicated that the driveway is situated to take in the slopes. Dylan expressed he would need to measure the rise and run to determine the slopes, and that Mr. Brewer might want the surveyor to highlight the slopes. Dylan indicated that new ordinance might apply. Mike pointed out to the board that on the second page under the existing plan that the scale noted meets the requirements. The Board looked over the plans and information presented.

Legal Counsel expressed that one approach would be to approve the plan with conditions. Dylan indicated that if it is shown that there are slopes, and then it will be up to the applicant to total the square footage of disturbance to the slope to see if it will need a conditional approval. Dylan asked the board's opinion in regards to showing the slopes, and that since it was the first application that might deal with the ordinance he cautioned the board to that they might want to stick closely to the ordinance and not take it outside of its intent. Peter agreed with Dylan and would like to stay as close to the ordinance as possible. Legal Counsel asked the board

since it is the first time you are seeing this, could they conditionally approve the application and if the application would precede the recently added ordinance. Peter indicated that the plan is different from the first one submitted and that since it is a new plan it would not precede the Steep Slope Ordinance.

Kate opened the application to the public.

Mr. Miller asked about the stalls for the parking. Peter indicated that on the second page are 4 9x24foot stalls. Peter was asking legal counsel to repeat the sentence respected and delineated, because a piece of paper typically doesn't get respected. His personal opinion is that gravel in itself is not something that gets respected. Joan expressed to the applicant that the registry doesn't pull up all of the topography, so he would need to go to the town hall and research the original plan. Mr. Miller asked if the stalls will be a structure, or are you supposed to put the cars up to the culvert that is there. The parking spaces are there and they belong to the original subdivision and the board is trying to make sure that the parking spaces continue to exist. The spaces are not on Mr. Brewer's property. Sydnee asked if the spaces were delineated by French's Lane. Mike knows that they were indicated on the original subdivision plan. Peter asked the Conservation Commission if there were any comments as part of the plan. Sydnee indicated that there are trails located on the larger parcel and it is a wish that there is some sort of access, but that it is private land.

Kate closed the public hearing and opened to the planning board at 8:13pm.

Mike indicated that it is a two lot subdivision not a one lot subdivision like it was posted as, and would like to have that in the record. The board looked over the plans further.

Kate made a motion that the board accept the application as complete, Mike seconded. All in favor.

Kate agreed that the board would need to see where the steep slopes are. Peter indicated that until they know how the parking stalls were designated in the first plan, even though it is not the applicants land, it is still his responsibility to show where the parking spaces should be. Joan suggested that Mr. Brewer to look at the plan and references to see where the spaces are. Joan indicated that Mr. Brewer's lot was not created with the subdivision; it existed before the subdivision. Joan asked if Mr. Landry could contact Dylan to see about what the slopes are and where problem areas might be. Dylan indicated that the plan needs to be shaded to show the slopes. The question was asked that what is a 12 ft bar way. Linda Bennett responded that it is generally a pathway between two stone walls.

Peter made a motion to continue to the next Planning Board Meeting because of the question on the steep slopes and the parking spaces. Mike seconded, all in favor.

Legal Counsel clarified what the board was looking for, one would be for the applicant to look through the town records and see how the spaces are delineated on the original plan. The other is for the Brewer's plan to show the steep slopes of the property, and if they exist Mr. Brewer will need to apply for a Conditional Use Permit. Mr. Brewer's Public Hearing will continue until the September 20, 2011 Planning Board Meeting.

Berry, Wendy for a Site Plan Review

Wendy Berry, 24 Amesbury Road, Kensington, NH, Map 14, Lot 25, for a site plan review. The intent is for Mrs. Berry to operate an Upholstery Business in the barn, located behind the home.

Kate read the Legal notice and the Zoning Board of Adjustment Conditional approval for the Upholstery business.

Michael Schwotzer explained to the board that the property has a previous approval for a car dealership, and the current application is to allow the Berry's to change the use to an Upholstery Business. Wendy Berry presented the board with the site plan review that was accepted at the Zoning Board of Adjustment meeting for the property from the previous application for a car dealership. Joan asked how long the applicant will have vehicles or boats on the property. Mr. Berry responded that they don't usually stay on the property long. Mrs. Berry pointed out to the board that the plan shows a 14ft extension on the barn, but that was never done. Mrs. Berry presented the board with pictures of the property depicting where the barn is located. Joan asked the size of the vehicles that would be bringing the boats to be worked on. Mr. Berry indicated that the large boats are not done on the property. Joan was concerned with the abutters. The Berry's expressed that they now run a business in Somersworth along a very busy state highway known as Route 236. Not a lot of traffic will be coming and going. Joan asked if the board could legally put a limit on the size of the vehicle that is allowed. That was not recommended. The auto dealership previously applied for was a different use, and because of the change of use the Berry's needed to go through the site plan review. The Berry's were asked the number of employees, and maybe one was discussed. Dylan indicated that this is a unique application and was not sure how the board would like to handle the Site Plan review, and it was up to the board whether they want to waive the existing requirements. Dylan asked about the trash being discarded and Mr. Berry indicated that he has a dumpster at a different location for trash. The board would need to list some things out and specifications for buffering. The board discussed the noise and Mrs. Berry told them that they use a sewing machine and air compressor. Joan asked that the meeting minutes go into the property card and Dylan indicated that the notice of decision

would be key.

Kate opened the meeting to the public.

Dan Barrett asked if the property was approved for auto dealership will the property loose that original acceptance. Peter indicated that once the acceptance is made it stays with the property. Dylan will research, and questioned that if you change the use, you would loose the original use. Kate asked for any further public comments. Peter indicated that if there is an approval, part of the documents of the application and approval will get listed in the card. Also, that the hours of operation are six days a week, and he would like to clarify the days of the week that would constitute the six days. Public opinion indicated that it will be wonderful to have this business in town and that it fits in with the surrounding properties.

Kate asked if the board would make a motion to clarify the days of the week are Monday – Saturday, and if there are any other site plans upgrades, they would need to come back to the board. Mike indicated that the board should make a motion to waive the current site plan requirements in Chapter IV, but that any expansion of the use of what was presented they would need to bring an updated plan more in compliance with Chapter IV.

Mike made a motion to accept the application as complete, Kate seconded. All in favor.

Mike made a motion to accept the site plan review and that the Hours of operation would be 6 days a week Monday – Saturday; Waiving the Chapter 4 site plan review requirements based on the merits of this application, but if they are going to upgrade, or change the use they would need to bring in a plan that would be in compliance with Chapter 4. Peter seconded, all in favor.

Kate closed the public hearing at 8:40pm

Kate filled out the approval form and signed. 8:45pm.

Master Plan Review-

The review and adoption of the following Kensington Master Plan chapter:

Chapter 1: Community Vision – The chapter offers statements derived from 2

Community forums and a community survey, which outline ideas regarding land use and future planning directives for the community. The same ordinance was presented with minor adjustments made.

Kate opened the hearing up to the board for discussion and then to the public.

Sydnee Goddard questioned the reasons for adding bullets about the work force housing when people had voted no on them. The board explained that the reasoning for leaving the information in the plan was because there was some confusion on what work force housing really was and that the town by law needs to have it in their Master Plan. Joan talked about not having the word affordable, but diversity. Kate agreed with promoting diversity. Mike explained that the planning board is charged with putting the Master Plan together, and they used the surveys, forum and residents opinions as input, and had then worked them into the plan. Peter explained that it is a working document. Russell expressed his opinion that working from home and a home occupation are different. Peter interpreted it as not to go out and expand the commercial zone, but try to encourage home businesses. Mike expressed that people from the town working in the school, and should be able to work in Kensington and not have to commute from further away. Someone who works in the town should be able to afford to live here. Dylan explained that the surveys are guiding principals that are used to guide the planning board in writing the chapters. Sydnee asked if there is a housing chapter in the master plan. Dylan indicated that there is one now. All chapters are precursors to what the town should be working on and for the town to get into more detail of the vision.

Joan indicated that you need the vision chapter in the master plan before the others. Sydnee expressed the clarity in the document is important for the future so that people will know the intent of the current board.

Sydnee would also like to see education on land conservation and land and surface waters. She didn't see anything on increasing the amount of land in conservation, and she thought that point was pretty strong in the survey. Mike explained that in the different bullets it is all there. Linda Bennett expressed that most people do not know that to have more land in conservation, will reduce the tax burden on the town in the future. Joan suggested that maybe they should add protection of the aquifers and conservation of land. Kate comments from the public on the visioning chapter. Sydnee asked for clarification.

Dylan indicated that this area was all derived by the NH Association of Regional Planning Commissions. All the commissions come together and articulated; principals based on prosperity and sustainability and tried to report on a regional concept. It is looking for connections with the surrounding areas.

Peter explained that instead of having a bunch of cul-de-sacs through out the town, you will have road connectivity through the town. References were made to the Elderly Housing development that was proposed a few years ago, and how the Kensington ambulances and fire trucks would have to go through Exeter to access the property, which was a cul-de-sac attached to a cul-de-sac. Sydnee asked from a wildlife point of view isn't that negative? Peter indicated that there is no perfect solution, and if someone is going to develop their land, the board would rather see connectivity instead of cul-de-sacs, from the stand point of fire safety.

Kate closed the public hearing at 9:26pm

Kate then opened the hearing back up to the board for questions or comments.

Mike make a motion to adopt the community vision statement presented with the amendment on page v5 second bullet to read protect natural resources through conservation easements, aquifer protection, etc. Joan seconded, all in favor.

Sydnee Goddard approached the board to see if they were interested in doing an NRI. Sydnee asked if the board was willing to put in money for the NRI, because the conservation commission is using some of the current funds to secure easements and will not have the total amount needed for the NRI. The planning board is unable to do anything at this time, the matching funds would have to be done this year, and the money set aside for the master plan has already been paid out. Dylan and Sydnee will continue the discussion after the meeting.

OLD BUSINESS:

Conditional Use Permit: Section found in Chapter 6 that was missing from the zoning book that indicates that a Conditional Use Permit shall be applied for through a Site Plan Review of the Planning Board. The board reviewed the application and would like to have the abutter section removed to fit the current abutter definition that is described in the Zoning Ordinance Book. The board would like for Kathy to get the current RSA definition of an abutter for the board to review at the next meeting. The current abutter definition is directly across the street and anyone that abuts the property. Peter would like the abutter definition to say within 100 feet. Joan suggested for the board to get a new definition for an abutter and discuss it in the next meeting. Dylan suggested for the board to follow the RSA on abutters.

***Joan moved to use the conditional use permit and strike- (cost of certified mailings to each land owner within 100 feet); Permit amended not to have to each landowner within 100 ft.
Kate seconded, all in favor. One abstention.***

Master Plan- Land Use Chapter, existing and future.

Joan would prefer that we wait on the land use chapter and work on the aquifer because of the timing issue to hold the public hearings. Dylan indicated that there is still time to get the article in for the March Meeting.

Aquifer Protection District Overlay Ordinance-

Joan this is a timing issue and time for the public hearings. Dylan suggested to the board to have the Aquifer Protection Ordinance finalized by the December Meeting.

OTHER BUSINESS:

Gravel Pit Inspection Updates. The board would like the pictures put into the Gravel Pit Folders for references.

Approval of the Planning Board Meeting minutes.

Mike motion to accept the June 21st meeting minutes as presented.

Kate seconded, all in favor.

Peter motion to accept July 19, 2011 meeting minutes as presented. Mike seconded, all in favor.

Mike made a motion to adjourn at 9:55pm; seconded by Peter, all in favor.

Next Meeting – September 20, 2011- consultation on Hoosac Road for Joanne

Hampson on steep slope ordinance.

Continuation of the Peter Brewer Two Lot Subdivision

Abutter Definition discussion

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk