

Kensington Planning Board Meeting
Town of Kensington, NH
Kensington Town Hall
Tuesday, September 20, 2011
7:30pm
APPROVED-October 18, 2011

In Attendance: Joan Whitney; Mike Schwotzer, Jim Thompson, Bob Solomon, Glenn Ritter, Kate Mignone; Chairman, Peter Merrill; Vice Chairman, Stefanie Johnstone; Selectmen's Representative.

Kate Mignone, chairman, called the meeting to order at 7:32

New Business:

David Buxton- signatures- David presented a Mylar to the board from a previously approved subdivided lot. The original plan had gotten wet and he understood that the chairman from the time, which was Mike, could sign the Mylar. Due to the condition of the original it could not be recorded. David brought both copies to the board for them to see that the plan that was signed is the same as the plan that he needs signatures on. Mike suggested that David leave the plans for the board to look over later tonight, due to a continued Public Hearing. David agreed and left the plans with Mike.

Public Hearing

Continuation from the August 16th, 2011 meeting

Application of Peter Brewer for a one lot subdivision on Map 11 Lot 44.

Kate read the legal ad for the Brewer subdivision.

The applicant's legal counsel, Mr. Casassa, expressed the parking spaces were marked on the new plan that was presented to the board. Mr. Casassa gave the board copies of the original subdivision plan from 1999, for them to view where the spaces were delineated. The board reviewed Mr. Brewer's new plan with steep slopes indicated, and the 1999 plan from the Lambert subdivision. Mr. Casassa pointed out to the board that the parking spaces were approved on the 1999 plan. Mr. Casassa indicated the spaces were delineated on page 2 of the new Brewer plan. Mr. Casassa expressed that if there are no questions then he will move to the steep slopes. Mr. Casassa indicated on the second plan where the steep slopes were and that they would not be bothered because the driveway is being moved off to the side to take in into consideration the slopes that might be in question. Mr. Casassa after presenting the plans and indicating the issues asked the board if there were any questions.

Mike indicated the he had a conversation with Dylan and that the issues in question have been resolved and that there is also a place for the home on the lot. Kate indicated that one thing that they noticed from the 1999 plan to the Brewer plan was that the parking spaces were delineated to be paved. Mr. Casassa indicated that the town engineer's comment on the July 28th letter was that "the planning board may want to consider having the applicant to put in the parking spaces at least in gravel." Mr. Casassa pointed out that it seemed that those parking spaces were part of a separate plan.

Kate asked how they would show the spaces. Mr. Casassa indicated that the applicant was wondering if the developer should be accountable for the spaces. Joan indicated to her knowledge the developer is not involved with the subdivision any longer. Mr. Brewer indicated that he has pulled off the road there and it is easy to park the way that it is. Nancy Roffman asked if the board had access to the plan for the last meeting. She was wondering why the plan was not at the last meeting. Peter indicated that the plan was not at the last meeting and that the board does not request that every plan be brought up. Mrs. Roffman indicated that she thought that she had heard someone say on the tape that they were there.

Bob indicated that the parking spaces were clearly imposed on someone else, and doesn't see why the parking spots should be done by Mr. Brewer. Peter agreed and that was the reason for needing the delineation of them on the current plan. Mike asked the board if one of the conditions could be that the driveway and the construction be restricted to what was shown on the plan. Mike asked if Peter was suggesting delineation on the paper or at the site. Peter doesn't see that the delineation on paper would be enough. Kate suggested having the parking spaces staked out during the construction.

Peter Landry indicated that during the survey they could put some grade stakes in to delineate the spaces, and asked if the town has signs that could be used to mark the spaces.

Kate indicated that the board would like to close the public hearing at 7:55pm.

Kate read through the subdivision checklist. The board responded with the answers to the checklist questions stating if they were on the plan or not. The board asked about the seal, and Mr. Landry indicated that he didn't believe that the seal was applicable in this case. All of the subdivision format questions were answered.

Kate asked if there was a motion from the board.

Mike would like to make a motion to approve the subdivision for Peter and Bernice Brewer for a two lot subdivision on Map 11 Lot 44 with the following conditions:

- 1) Certification of Monumentation***
 - 2) Delineation of wetlands, installation of erosion control during construction***
 - 3) Driveway Permit for area noted on plan***
 - 4) Delineation of parking spaces with no disturbance allowed.***
- Glenn seconded, with all in favor.***

Consultation for Joanne Hampson on Hoosac Road about the steep slope ordinance

Stefanie Johnstone arrived 8:10pm.

Mr. Hampson wanted to thank the board for volunteering for the Planning Board and stated that they are here to discuss the steep slope ordinance. He has an understanding of the ordinance and the way that it works, but is trying to figure out if it applies to them. They have a flat space at the top of the hill where the house will be, but the driveway may come under the steep slope ordinance. They are worried that this new ordinance may impact the value of the land and the selling cost. Mr. Hampson understood that the intent of the board with the ordinance was to control the engineering of developments on the side of a hill. He does not think that the steep slope ordinance was implemented for home owners, but more for developers. Mike had a conversation with Dylan about the ordinance earlier in the day. Mike indicated that the Steep Slope ordinance does allow for a conditional use permit for residential and non residential homeowners. Mike indicated that the conditional use permit is allowed and might be the route to consider. They could also go before the ZBA for a variance. The flat area for the home is not the area of concern, it would be the driveway. Mrs. Hampson asked the board if they have to have the driveway in place for the permit. They are coming up with the driveway design before they sell the property. The board indicated that the conditional use permit will transfer to the new owner. How long is it good for? Conditional use is the life of the lot perpetuity, but the driveway permit has an expiration date. Mr. Hampson indicated that they would have to hire an engineer and show the area disturbed if it is within the 7000 ft.

Peter pointed out that one aspect was the emergency response vehicles and something that is too excessive a grade would be a hazard to safely vehicles. Mr. Hampson did not think that the steep slope ordinance was designed for personal land owners like them. He also indicated the hardship on them to have to endure the extra expenses to get the lot to comply with the new Ordinance. Peter indicated that the ZBA would be a good place to start for the variance and it would be less expensive. Mrs. Hampson indicated that this new ordinance is impacting a buildable lot and it should only affect the new lots.

Peter indicated that there was no intent to single out individuals. It is just part of the process. Peter explained to the Hampson's that the Brewers have been trying to get approval since last fall. This new ordinance is not to cause pain and financial hardship on people. Mr. Hampson indicated that they will be back with a plan. It was indicated that the ZBA would be less of an expense for the owners, if they went the variance route and they got it. Mr. Hampson showed the board where the proposed home would be. A Conditional use permit would probably be needed on the steep slope. The board reviewed the plan with Mr. Hampson. Peter recommended that the Hampson's go before the ZBA first.

The board also indicated that the Hampson's might want to review previous ZBA meeting minutes. Mr. Hampson asked the board if this issue had gone before the ZBA for a variance before. The board indicated that it is a new ordinance so; they did not believe that the ZBA has had a variance for this ordinance yet. Mike looked back at the ordinances on driveways in reference to the Hampson's questions and indicated that driveways with 8% grade or greater at any point will need a plan according to the zoning ordinance Chapter IV, Article 2.2H.

David Buxton- Plans

Mike looked at the plan and indicated that it was the same as the original. There was no seal or signature from the Surveyor on the new plan. Dick Parker did the original and Mike suggested that David get Mr. Parker's stamp and signature and then Mike will sign off on it.

Mike make a motion to approve Mr. Buxton's' request on the plan, subject to the stamp and signature being applied to the plan, Joan seconded all approved.

Old Business

Master Plan- Land Use Chapter, existing and future; Per Dylan- They are still doing inclusions on the maps.

Aquifer Protection District Overlay Ordinance- revised-

Kate read the ordinance and sent it back to Dylan marked up and is not sure what happened after that. Mike indicated that if the board has questions to direct all of them to Dylan and he will answer them. The last meeting to have the ordinance ready for the ballot will be in December. Mike indicated when he was doing his review 7003.3.1 indicated 10 lots or greater, but should read less than 10 lots. Mike will send suggestion to Dylan. Kate had indicated the same issue. Joan indicated the maximum is 9 lots not 8 for a subdivision. Joan indicated that she had a question about septic design installation on the page after. If the septic fails then you need a whole new design. She didn't know if you needed all that there. Joan indicated that it also needed to meet our regulations. Kate thought that this was hard to get through, and Joan is concerned that people will look at it and not understand it and vote no. Joan indicated that they might need explanation paragraphs. Kate had a hard time understanding the ordinance and has knowledge in the subject area, and a lot of things need testing and we have not indicated what they are testing for and the board needs to find out exactly what they need people to submit.

Mike found it quite extensive for the requirements and the board will have to explain all the points to applicants. Kate would like it to be more general, and user friendly. Glenn indicated that there are a lot of changes here and that the public should see it all, Kate agreed. Joan indicated that people will be asking if this ordinance is part of their land or not. Kate indicated that the aquifer map should be part of the ordinance. Kate asked Mike if Dylan wanted people to mark it up and send it to him. Mike indicated that Dylan would like that. The board reviewed the maps and ordinance.

Kate told the board that she and Dylan will get together.

Revision of the planning board fees and applications-

After discussions, it was decided to require a minimum of 3 full copies and 7 11x7 for all plans submitted. After discussions, it was decided to set the fee for the conditional use permits at \$25, the same as the site plan review. Kate made a motion to set the fees for the conditional use permit. Peter seconded. All in favor.

Abutter definition RSA-

This is the current term that is in our zoning ordinance book. Mike is wondering if the board would like to amend the definition of the abutter. Mike asked if the 100 feet is something that is something they want to consider. Only the people that are directly across or touch the property are considered abutters now. There is a way to speak if you are not currently considered an abutter, they would have to show that they are being impacted and they could speak under the current definition. Joan indicated that if Peter has wording for the new definition. Peter will work on the wording. The abutter with the 100 feet would be anyone within 100 feet of all property lines. Mike indicated that they would need to change it through the town meeting for it to take affect. Kate indicated that everything has to be done by October. The last chance is December for a public hearing to include the new definition on the ballot in March. The board will continue to work on this definition.

Other Business

Approval of the August 16, 2011 Meeting Minutes- Peter under quick review he would like to change his name from Miller to Merrill. Mike did send typo errors. Mike would like those changed. The board read through the meeting minutes. Kathy will change the areas noted.

Mike made a motion to approve the meeting minutes with the changes requested by Peter. Peter seconded with all in favor.

Mike made a motion to adjourn at 9:15pm, Glenn seconded all in favor.

Next Meeting- October 18, 2011

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk

APPROVED