

**Kensington Planning Board  
Town of Kensington, NH  
Kensington Town Hall  
Tuesday, November 15, 2011  
7:30pm**

*Approved- December 20, 2011*

**In Attendance:** Kate Mignone; Joan Whitney; Theresa Wojcukiewicz; Jim Thompson; Bob Solomon; Glenn Ritter; Peter Merrill; Dylan Smith, Rockingham Planning Commission Representative; residents-Mr. and Mrs. Berry.

Chairman Kate Mignone called the Planning Board meeting to order at 7:32pm.

**NEW BUSINESS:**

Kate read the public hearing legal notice before the board and residents present.

**Definition for Abutter and Aquifer Protection Ordinance**

Kate expressed to the board where this is a public hearing it is open for the board to discuss. Joan indicated that the rough draft of the Aquifer Map has Frying Pan Lane in the wrong area. The board looked over the Aquifer Protection Ordinance. Bob asked if he was correct that they would go before the town at the annual town meeting and Kate indicated that he was right. Peter indicated that the ordinance will be in effect as of the date that it is passed by the Planning Board. Peter also stated that the ordinance should have wording to indicate that the Aquifer Ordinance will be in effect as of the Planning Board Hearing date. Theresa suggested putting something at the beginning of the ordinance that states that it goes into effect at that point. Jim went to the Planning Board training meeting in Concord, and said that the board was looking to change the definition of the abutter. The attorneys present at the training recommended against that. Peter indicated that we would not be the first town to adopt a different definition than the RSA, the precedent has already been set by other towns doing this. Jim indicated that two attorney's that were present at the training were the ones that recommended against broadening the definition. The current definition we have is the one listed in the RSA's. Bob indicated that over notifying abutters is not a bad thing.

Dylan indicated that in the Aquifer Protection Ordinance current residences with any of the restricted uses can maintain the property, but can't expand without ZBA approval and there is an RSA that states that. Peter indicated that Dylan can email the RSA to the board and the board will include it with the information for town meeting. Dylan further explained that if they expand on a use, they need to have a permit. Kate asked if there were any other comments from the board.

***Kate closed the public hearing.***

**A motion was made to accept the public hearing definition for Abutter and Aquifer Protection Ordinance by Glenn; seconded by Theresa. All in favor**

*The definition of abutter and the aquifer protection ordinance will be in effect as of November 15, 2011.*

**OLD BUSINESS:**

**Master Plan- Land Use Chapter, existing and future; Maps**

Dylan expressed that this is the second portion that they were updating and per RSA it is required that you have a vision and land use section to guide future and existing land use. Kate sent some comments to Dylan that he will implement on the final version. Dylan asked if there are any questions or comments. Joan indicated that Dylan was very particular to Kensington in the Land Use Chapter and he did a good job. Dylan indicated that some boards bullet out points, but he would like to keep the information within the text. A lot of this chapter is based on the survey and vision that the town did earlier this year. Theresa asked if anything was updated in the last 6 years. Dylan indicated that another will be done in 5 years or so, they try to update every 10 years. Sometimes it is difficult to do this every 10 years, especially with the current funding. Dylan pointed out that the land use table shows the trends through those years. The data that he used is through the year 2005. Maps that we have are all based on this information. Joan asked if the information on what has come out of current use in the past 10 years would be able to be included in the chapter. Dylan had asked Kathy for totals of what is currently in current use to include in the chapter. Dylan indicated that it would be interesting to see what has come out of current use in the last 10 years. What comes out of current use doesn't always refer to development. Peter asked about the use of commercial uses, kennels and vet hospitals, whether vet hospitals would be involved in that. Joan indicated that you would need a certain amount of land for kennels; Theresa wondered if that should have a land restriction listed. Page 24 of the current zoning ordinance states the restrictions. This statement is made in the ordinance; ***permitted subject to the requirement of the commercial use of land***, Dylan suggested that the board review this statement, and consider a revision. A Vet Hospital would have to follow the commercial Article 9.1, but would be allowed. Theresa thinks that kennels and vet hospitals, would fall into the commercial district, Joan indicated that in a lot of towns it falls into the agricultural district. Joan indicated that a new ordinance about kennels and vet hospitals might be something the board should think about. Bob pointed out that the hazardous waste ought to prevail; it should be no vet hospital in certain areas, not just none allowed at all. Peter indicated that they would need to come before the board and state what they intend to do anyways. Bob indicated that we should just have one broad example to go by.

Dylan indicated that the board should look at the current uses that they have and maybe redefine them. He suggested showing them in a graph form, what is permitted and what it not. Peter indicated that it is not just permitted it is allowed forever. Joan explained that in other town ordinances they have a chart, and if you want to do something it makes it simple for people to understand what they can and can't do. Permitted use for a special exception you would need to have a site plan review. Page 42e states that with a special exception the applicant is subject to site plan review. Bob indicated that in the times that they have done the special exceptions they have always had a site plan review. Mrs. Berry commented that from her experience with the ZBA, they are very interested in hearing what the abutters say. Dylan indicated that by law you can't deny an application based on abutter disapproval. Mrs. Berry was surprised with the master plan results, and she doesn't think that it is that easy to allow certain things with the process that applicants have to go through. Other towns have districts to maintain the town's unique policy. Kate indicated that everything is kind of linked to something else in the zoning ordinance. Theresa suggested taking the kennel and vet hospital right out, why does it

have to be listed. Peter indicated that it is more than a vet hospital, and now it is more than just agricultural. Kate indicated that it is something we will have to look into with the master plan. Dylan indicated that they should look through the uses for next year. Kate indicated that there are a lot of things that are coming up and is there anything in the chapter that anyone wants to talk about and take issue with. It was discussed that all definitions should be in one chapter of the zoning ordinance. The definitions might be specific to a certain ordinance, and that is why they are currently there. Joan indicated that they were going to update certain data when the census came out, and now that it is out it might be time to do it.

The Conservation Commission was looking to do the NRI (Natural Resources Chapter) this year. They chose to buy land instead. They were looking for the planning board to pay the additional funds. Joan indicated that the Conservation Commission is interested in doing it and are aware that it needs to be done. Dylan asked if there were any other comments. The next step will be to hold a public hearing as amended.

Kate asked Bob and Peter if they were involved in the last master plan and Bob indicated that he was and it was a hard process, and that he trusts Dylan's opinions and appreciates the help.

Bob suggested adding some money to the budget for next year for the creating of other chapters. Dylan will get the town a ball park estimate. Peter asked if it should fall under the conservation budget. The Natural Resources Chapter is very detailed. Peter indicated that is something that they should be budgeting for. Peter indicated that they have had some joint meetings. Joan indicated that they work very hard and she did mention to the Conservation Committee that we were doing the aquifer protection. Joan asked if there was enough time to get it on the ballot, Dylan reminded the board that it doesn't need to go on the ballot; it is just a public hearing. Joan would like the current use totals for the last 10 years to be included in the Land Use Chapter. Dylan and Kathy will look into it. The board would like to know just the amount of acreage and maybe the district, whether it is Commercial or Residential. Dylan will work on the changes and present to the board next month.

#### **Other Business:**

Approval of October 18, 2011 meeting minutes-

***Peter made a motion to approve the meeting minutes as presented Joan seconded all in favor***

Next meeting- December 20, 2011

***Peter made a motion to adjourn at 8:55pm, Glenn seconded; all in favor.***

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk