

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
TUESDAY, AUGUST 21, 2012
7:30 PM
MEETING MINUTES
*Approved- September 18, 2012***

In Attendance: Kate Mignone, Chair; Peter Merrill, Vice chair; Jim Thompson; Joan Whitney; Michael Schwotzer; Bob Solomon; Glenn Ritter; Kevin Rosencrantz, Selectmen's Representative; Dylan Smith, RPC Rep.

Public Hearing

Kate called the meeting to order at 7:35pm.

Kate read the public notice to all present that described what Mr. Picard is looking to do. *Pursuant to RSA 675:7, notice is hereby given of a public hearing to be held by the Kensington Planning Board on Tuesday, August 21, 2012 at 7:30 PM at the Kensington Elementary School Library, 122 Amesbury Road, Kensington, NH to discuss the following:
Condominium Subdivision – Applicant/property owner Michael Picard proposes to obtain condominium subdivision approval for site which will include a total of two condominium lots on property located at 32 Osgood Rd, referenced by tax map 12 lot 15.*

Michael Picard- 32 Osgood Road-Condominium Subdivision

Kate asked Mr. Picard to present to the board what he is trying to do with the lot. He explained the 5 bedroom system for the septic. Mr. Picard indicated that he has most, if not all the information on the common areas on the plan presented. Mr. Picard stated that if the garage is an issue he can just delete it. Bob asked which Unit is a 3 bedroom. Unit 32 is a 2 bedroom unit and unit 34 is a 3 bedroom unit. Kate asked if one well serviced both units and Mr. Picard replied that it was one well. Joan asked about the septic and if it is designed for the current number of bedrooms or is it for more. Mr. Picard stated the design couldn't exceed the amount of bedrooms. The state has approved the design. Kate had talked to DES and the septic plan had been approved and it is notated on the plan. Mr. Picard also had a draft of the condo docs for the board and indicated that the board was welcome to have a copy. Dylan read his recommendations to the board. He indicated that it is a duplex in existence and they are just making the units into condominium units. He indicated that the garage would need a wet lands variance, but if he is willing to remove the garage then the variance would not be needed. The shed should remain in the common area. Dylan recommended that Mr. Picard remove the garage from the plan so that he would not need to get a variance. Mr. Picard agreed that it was fine to remove the garage from the plan. He also recommended that the board have the condo docs looked at by the legal counsel to see if there are any ramifications to the town. Mike explained that this is an existing non-conforming duplex and does the condominium subdivision add anything to it other than just ownership in relationship to the zoning? Dylan indicated that it is just ownership, if the garage was to be put in then maybe, but if that is removed he did not believe so. Condo Conveyance is what is happening in this instance. Dylan expressed to the board that Mr. Picard had done a good job on depicting the common areas of the condo. Jim expressed that this is just an ownership change from one owner to two, and makes common areas. Dylan explained that this process is identifying the condo common areas and ownership of the different units. Peter clarified that the condo documents are not something that the town will enforce. The town should refer owners to the condo documents for answers.

Kate asked if there were any comments from the public, no comments were made.

The board went through the checklist for subdivisions to ensure all necessary information was on the plan.

Peter made a motion for a conditional approval upon the removal of the garage on the current plan and an acceptable review from the town attorney of the condo documents. Kevin seconded. All in favor.

Mike made a motion that the board issues a general policy that approved subdivision plans be signed by the chairman when complete. Kevin seconded, with all in favor.

New Business:

FEMA Flood Maps- Robert Gustafson- explanation of benefits of the program; NFIP Flood Insurance

Mr. Gustafson explained that the town should use the FEMA maps for consistency, and because they are updated the most often.

Mr. Gustafson explained that the hazardous mitigation plan that was done 5 years ago pointed out that we did not belong to NFIP. If the National Flood Insurance Program is in place it allows residents to be eligible to receive FEMA funds for floods and not have to get independent or private flood insurance. Residents are not eligible for FEMA funds without the town being part of this program. It does not cost the town anything to belong to the NFIP, they will just have to pass a resolution at town meeting to belong and then it would then become a town ordinance. This will allow people to build in the flood plain if they adhere to the program guidelines within the flood areas.

Joan asked if it will help the town. Mr. Gustafson informed the board that this program is not for the town's benefit, but more for the residents to aid in help with flood insurance and reimbursement. The town now has 2005 FEMA flood maps. Some residents have come in in the past year to inquire about the maps because they had to prove where the flood areas were for their insurance carriers. Bob asked if this program would grandfather existing homes. Mr. Gustafson explained that they would be. Bob doesn't want to pass this and have to go to the owners of current homes and tell them that they need to do something with their existing homes. Mr. Gustafson explained it will affect all new construction in the flood area. He indicated that the residents would get a flood certificate for new constructions and existing homes will be grandfathered. This program would allow the residents to get less expensive flood insurance and reimbursement in case of an incident. Kevin asked if we do have a specific flood zone. Kate and Dylan expressed that there are 100 year maps available. Dylan expressed that there are maps available to the town, and he will bring in a map to show the board.

Jim asked what the town has to do. It would be done at a Public Hearing and then it would go to town vote. Kate asked if Mr. Gustafson is planning to do it for this year. He would be in favor of that. Kate asked if there was a specific text that they would need to follow and it was explained that they have a sample on the web site. Mike expressed that if you had someone come with information in September you would have time for the public hearings. The board will invite a representative for September, Mr. Gustafson and Dylan will contact her. Dylan expressed that you would adopt the maps and the flood plan ordinance. In relationship with the building permits it would point any new development to that ordinance.

Donna Carter:

Question on Condos and what she would need to do through the board to convert a property. Dylan will meet with her if she would like, and she was also encouraged to call him with any questions.

OLD BUSINESS:

Public Hearings will be held in the September Session for the Commercial District and the Road Frontage definitions. See Public Hearings section of the web site or town hall for specifics.

Zoning Book Codification- grant information update-

The town has been awarded the grant, and it goes until June 30, 2013. Dylan will draw up a contract and have ½ due now and the other ½ due June 30, 2013, for budgeting purposes. Dylan will draw up and have it ready for the board to sign at the next meeting.

NRI- Natural Resources Inventory-

Kate asked how the NRI for the Town was going and Dylan indicated that Theresa Walker was doing that for the town and it seems to him that it is going well. They will be coming to the planning board to include it as part of the master plan when it is finished.

Draft letter for yearly approvals by Zoning and Planning Boards-postponed still working on a draft, Kate will have it ready for the next meeting.

Suggestion on the Application process for the Town:

Mike expressed to the board that the town has had several situations come before the board where early intervention would have been helpful. If the Planning Board had gotten to see the building permits before they were issued, they would have noticed if the property had a previous approval from the board. He was suggesting that the board review the building permit applications, prior to approval, to make sure that there is not a complication with the zoning, and to give the Selectmen a heads up on various situations. He expressed that if it is looked at before anything is approved then there is less confusion. Kevin expressed that it would just be another step for the applicant, and he would not want to see someone wait until the next Planning Board meeting to get a shed or building approved. He indicated that is what the Building Inspector is for, to check with the zoning and see if there are potential problems. Peter expressed that we are an acting board not a reacting Planning Board, if the application is already approved. Kevin expressed that it is not at the time of the application that the intent gets changed, it is 2-5 years after the approval. Dylan expressed that they town should look into a code enforcement officer.

Kate suggested beefing up the application process, by looking at the applications and having more information needed before the permit is issued. Kate agreed that there are certain circumstances where the permits should come to the board before they are approved. Kevin explained that you can't pick and choose who goes through the extra steps, and that it would have to be all applications. Peter expressed that they are trying to do what is right for the town and the town's people. If you have another group look at the permits you will have fewer mistakes. Joan indicated that the building inspector knows the slopes and should know the ordinances.

Mike just wanted to make the offer to the board of selectmen. Kevin informed the board that the selectmen have looked into other towns to see if someone would be willing to share code enforcement with us instead of a full time person, but that has not worked out yet. Kate thinks we should look at the application process and by putting more information on the application it will make things clearer. Kevin expressed to the group that going through the zoning book is hard. Joan commented that it is tough for the board as well. Dylan reminded the board that is what the Codification is for and that will be finished June of next year. They will be getting the board suggestions on different things throughout the book.

Condex Units-

Condex units were addressed and it was discussed that a Mother in law apartment is not a duplex so they would not be the same issue as the Osgood Road property.

There was a recent issue with the units at 243 Amesbury Road. Do they need to come in and let the board know what type of business is operating in the units? Dylan indicated that it should state in the approval if they are to come back. Mrs. Carter was specifically told that she needed to come back. Joan expressed that is what they tell people, but what they do after the approval is a code enforcement issue. Dylan explained that a lot will come out in the codification and suggestions will be provided to the board.

Demolition-

A question was asked about the property at 275 South Road. They appear to be demolishing the building. Joan was told tonight that the fire department was doing training exercises in the building. Donna indicated that the house was considered a tear down. Mike indicated that multiple people sign off in Hampton for demos, so that everyone knows what is going on. Different departments might have issues with a home being torn down. If there were any tax liens on the building, the tax collector should know that it is being torn down. That is not the case here, just an example from another town. The town currently uses the Building Permits for a demolition. Dylan would suggest a review of the permit for demos in town.

Driveway Permit-

Peter made a Motion to deny the driveway permit for 15 Hoosac Road, due to lack of information on the permit. Mike seconded, all in favor.

The board suggested that the owner look into Article 2.3 on page 110 of the current Zoning Book for submission information.

OTHER BUSINESS:

September Public Hearings for Road Frontage and Commercial District.-

The board will hold a public hearing for both the road frontage and commercial district definitions.
Kevin left 8:50pm

Approval of June 18, 2012 – Motion made by Mike to approve the meeting minutes as submitted; Jim seconded all in favor - one abstaining

July 17, 2012 meeting minutes- Joan moved to approve the July meeting minutes; Bob seconded -2 abstentions.

Other Business:

Kate asked if the plan had come back for the Hampson's on Hoosac Road, and it has not. Kathy will get in touch with Chris Berry the engineer.

The board discussed its Conditional approvals and that a time limit for the applicant to make changes should be included in the conditional approval. Dylan suggested to the board that you can do the time limit at the time of approval or you can add the time limit to the regulation.

Next Meeting –September 18, 2012—Public Hearings

Motion to adjourn made by Mike at 9:13; seconded Peter with all in favor.

Respectfully,

Kathleen T Felch, Planning Board Clerk