

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
TUESDAY, NOVEMBER 20, 2012
7:30 PM
Meeting Minutes
*APPROVED- 12-18-2012***

In Attendance: Kate Mignone, Chair; Joan Whitney; Jim Thompson; Peter Merrill, Vice Chairman; Dylan Smith, Rockingham Planning Commission Representative

Others in Attendance: 10 members of the Commercial District and abutters present

1. Commercial Public Hearing

The Kensington Planning Board will hold two Public Hearings to vote on the following modifications at the Kensington Elementary School Library at 7:30pm on Tuesday November 20, 2012 to:

- 1. Define and amend the official zoning map of Kensington by clearly delineating and describing the location of the commercial district in town.**

COMMERCIAL DISTRICT DEFINITION-

The Commercial and Industrial use District (CI District) is outlined on the Official Town Zoning Map and are defined below using 2012 property tax map and parcel numbers. All properties not listed below, or depicted on the Official Zoning Map as part of the CI District shall be considered to be located within the Residential and Agricultural use District (RA District).

A. Description

The Commercial and Industrial District (CI District) is defined using 2012 Property Tax Map and Parcel numbers for each property located within this district. The following is a list of the properties located within said district: Tax Map 3 Lots 12,13, 13-1, 13-2, 15, 16, 17, 17-1, 17-2, 18, 19, 21, 21-1, 22, 22-1, 22-2, 22-1-2, 23,23-1, 24, 25, 26, 27, 28, 30, and 34.

Kate called the meeting to order at 7:35pm and opened the hearing to the public.

Bruce Cilley, 22 Cottage Road, representative for KLCT Holdings, Map 3 Lot 30; the owners would like the lot to stay the way that it is, with the partial commercial and partial residential/agricultural. The Town tax map from 2007 and KLCT Holdings survey seem to match; the owners have pins set to show where the division of commercial and agricultural/ residential is. Mr. Cilley indicated that the owners said that they would have the deed recorded to show 2.55 acres commercial and the remaining acreage would be residential/agricultural. He informed the board that if that is not something that the board wants to do, then they would like the lot removed from the commercial district.

Joan explained that what is there now is residential/ agricultural, but that doesn't say what could go there in the future. She would like to take Map 3 Lot 30 out of the district and make the lot all residential/agricultural. Mr. Cilley expressed that the owners do not want the combined use of the lot changed, because they purchased it as two zones, and changing it would reduce the value. The owners are willing to clearly define the lot and will record the survey. Bob explained that the board would have to rewrite the article to incorporate the change, because the board is looking to clearly define the district. He would be concerned if the board was to keep the definition the way that it reads with Map 3 Lot 30 as all Commercial, when the owner clearly doesn't want that. Bob asked if there could be a driveway off of South Road, and Mr. Cilley had contacted the NH Department of Transportation and they would not issue a driveway permit on that section of the road. Jim asked if there were any other questions about any of the other lots.

Winthrop Hale approached the board with a map that showed the commercial district. He indicated that this map was of the original Commercial District. He asked what the boards thoughts were on changing the district. Kate explained that the Planning Board is looking to define the district.

Charlie Mabardy 285 South Road asked the board for clarification of the district, what would be changing with his lot, and for the board to explain the changes to everyone.

Peter showed Mr. Mabardy what the new map will look like for the Commercial District. Mr. Mabardy asked if the other towns in the area define their commercial districts the same way. It was explained that they either do it parcel based as Kensington is trying to do or they do a distance from the right of way. He

also asked if the values of the properties would be changed and it was explained because of this clarification of the district they would not be.

Kate closed the public session at 7:56pm

The board discussed how to amend the definition to fit the request of the owner of the corner lot Map 3 Lot 30. Bob expressed that we have tax maps that define everyone but this one and he is not comfortable using the deed to define the parcel. Bob asked that the board eliminate Lot 30 from the definition and add a sentence to the end of the description identifying the separation of Commercial and Agricultural/Residential in Map 3 Lot 30. Kate read the description to the board and those present as amended. Bob asked if we need to hold another public hearing on the Commercial District and Dylan explained there was a change in what was posted the board will need to re-notice the continuation.

**Amendment: Tax Map 3 Lot 30 will be eliminated from the definition as posted and add:
From the frontage corner bound on Route 150 at Amesbury Road for a distance of 230 feet to a stone bound on South Road to a line running north to pin set 112 feet from Amesbury Road at the corner of Map 3 Lot 29 and Lot 30.**

Joan moved that the board extend this definition and new map to the next meeting as amended. Peter seconded, all in favor.

Joan asked Bruce to have Landry Survey send a copy of the Mylar to the Town.

2. Driveway Submission Public Hearing

2. Amend Article 2.3 Submission of Information (Amended 3-10-2009), as follows:

- A. All Permit applications shall be accompanied by the following information:
 1. Driveway location, entrance, exit or approach. The location shall be selected to most adequately protect the safety of the traveling public;
 2. Drainage improvements, such as culverts or swales, and any channelization to be installed by the applicant;
 3. Proposed grading that adequately protects and promotes highway drainage and permits a safe and controlled approach to the road in all seasons of the year. Driveways shall pitch away from all town roads and private roads, for ten feet at a grade not less than 2%; and
 - 4. All driveway permit application shall show the exact location of the driveway and the presence of wetlands per the town's wetland ordinance and or regulations.**
 - 5. All permits to be submitted to the town seven or more days before the scheduled Planning Board meeting.**

Kate read the second public hearing as posted to all those present, and opened the hearing to the public at 8:11 pm. She asked for public comments, there were none so she closed the public hearing at 8:11pm.

The board had no further suggestions or comments on the proposed amendment.

Peter motion to send the amended article as posted to the selectmen to be placed on the ballot. Seconded by Jim, with all in favor.

New Business:

Driveway Permit- None submitted

OLD BUSINESS:

Draft letter review for yearly approvals by Zoning and Planning Boards-

The board read through the letter and the wording to see what could be added or omitted.

Peter suggested changing Planning Board in the sentences to the Zoning Board of Adjustment because they do the Special Exceptions and Home Occupations the Planning Board just does the Site Plan Review.

He also suggested adding no reply will be considered that you are in agreement with the town's records. Bob suggested that the end sentence be *please review the enclosed plan for any inconsistencies, which could include:*

REGARDS: should be from the Selectmen only.

Joan recommends that Kate takes the letter to the selectmen with the changes discussed; Peter seconded, all in favor.

Review of Town Applications and examples from other towns:

Kate expressed that the board should move forward with the driveway permits. Kathy passed out the Greenland permit examples, and will send out the examples to the board for them to review before the next meeting. Kate expressed that when the permit is pulled the person taking the application should look into the property cards to see if there is a special exception on the lot. Peter would like to review the forms and add accountability on them. Dylan will look at it after the December public hearing.

Regulations for Selectmen to have more jurisdictions over violations-

The board would need to have the first public hearing on this in December. Joan asked if this was from another town, Dylan indicated that it is an example used by some area towns. Bob asked if this is this something that the planning board is handling and why is it a planning board item. The selectmen had asked the board to look into how they could enforce non-compliance because our current article doesn't give them much enforcing power.

Joan moves that Kate takes this Article amendment to the selectmen for their review, and that if the selectmen want changes the public hearing on it will be in January, Jim seconded, with all in favor.

Capital Improvement Program- 2006-2012-

Peter suggested that the board should ask the department heads to a meeting to discuss the CIP. January would be a good place to start. The board will ask that the Selectmen mention it to the department heads at their regular meeting. Kathy will look through the last CIP and see what departments were involved and invite half of them in January; Dylan will bring in a questionnaire. The Chief of Police did speak to Kathy and indicated that he would be willing to help with the project.

OTHER BUSINESS:

Approval of October 16, 2012 meeting minutes-

Joan moves to accept the meeting minutes from October 16, 2012, Jim seconded all in favor.

Next Meeting –December 18, 2012- Continuation of the Commercial District Public Hearing

Peter made a motion to adjourn at 8:57pm, Bob seconded all in favor.

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk