

KENSINGTON PLANNING BOARD MEETING  
95 Amesbury Road, Kensington, NH 03833  
TUESDAY September 17, 2019 – 7:00pm  
Meeting Minutes - Approved 10/15/2019

In attendance: Mike Schwotzer, Member; Therese Wallaga, Member; Robert Chase, Member; Mary Smith, Vice Chair; Peter Merrill, Chair; Vanessa Rozier, Selectman's Representative; Julie LaBranche, Rockingham Planning Commission

**At 7:12pm, Peter called the meeting to order.**

Pledge of Allegiance

**PUBLIC HEARING:**

**At 7:13pm, Mike made a motion to open the public hearing on Accessory Dwelling Units. Mary seconded. All voted in favor.** The following was read aloud:

"To accept and vote on the following conditional use permit for Peter and Amanda Garand, 174 South Road, Map 2 Lot 23 for an attached Accessory Dwelling Unit which is allowed per the Town of Kensington Zoning Regulations Article III Section 3.2.3 Accessory Dwelling Units."

Resident Amanda Garand stated to the Board that she is hoping they will approve the existing structure as an ADU. Permits have been completed and all necessary paperwork was submitted. The Board reviewed the application. Building Inspector Norman Giroux addressed the Board stating that the original septic plan is on file with the town and the septic tank is sufficient for a home of this size along with the additional demands of the ADU. It was requested that all of the supporting information in relation to the size of the septic system be documented and filed including proof from DES that the septic system can accommodate the ADU. Mrs. Garand explained the ADU space to the Board and answered questions from the Board about the space. The Board reviewed the letter from Chief True. The applicant explained there are already interconnected smoke detectors/carbon monoxide detectors. Norman will still need to inspect the smoke detectors, carbon monoxide detectors, and confirm that there is appropriate fire rated sheetrock in the space. There were no questions from members of the public. The Board went through the Kensington Zoning Ordinance Section 3.2.3 Accessory Dwelling Unit Checklist. The application met all of the requirements with the exception of G and H.

**At 7:43pm, Mike made a motion to approve the ADU at 174 South Road Map 3 Lot 23 with the following conditions:**

- 1. Verification of accuracy of applications as per paragraph K of application.**
- 2. Approval by building inspector of fire separation smoke detector/carbon monoxide per letter referencing letter 9/15/19.**

There was discussion on the conditions. **At 7:46pm, Mike withdrew his original motion and made a motion to approve the ADU at 174 South Road Map 3 Lot 23 with the following conditions:**

- 1. DES confirmation that the septic system can accommodate the ADU**
  - 2. A licensed septic inspector inspects the system and provide results**
  - 3. Approval by the Building Inspector of fire separation sheetrock, interconnected smoke detectors, and carbon monoxide detectors per the letter from Chief True dated 9/15/19.**
  - 4. All above conditions required prior to the Building Inspector issuing a certificate of occupancy**
- Mary seconded. All voted in favor.**

At 7:50pm, Peter closed the public hearing.

At 7:50pm, Peter recused himself from the Board.

At 7:51pm, Mary opened the public hearing on 152 Drinkwater Rd and read the following aloud:

"To accept and vote on the following site plan review application from 152 Drinkwater Road LLC, 152 Drinkwater Road, Map 15 Lot 7, for agricultural stables and supporting structure, in accordance with Article IV Site Plan Review Regulations for the Town of Kensington"

John Roth, the owner of the property at 152 Drinkwater Rd addressed the Board explaining that since March, there have been changes and updates to the plan. He introduced Alex Ross, Civil Engineer and Mark Jacobs, Wetland Scientist. Mr.

Roth explained that this property has been the site of an equine operation for the last 40 years and provided a brief history of the property. Mr. Roth presented his plans to replace the stable, riding range, and add a storage building for farm equipment in the winter. There was discussion on the use of the property and Mr. Roth stated that the facility will have boarding, training, breeding, and teaching riding lessons. Julie asked if there are plans for shows, Mr. Roth said not at this time. Mr. Roth explained that the current plan is for the existing home to remain, but all other structures would be demolished and replaced.

Mr. Ross presented the engineering plans to the Board, further explaining the existing driveway, buildings, fields, grading, and drainage. He gave the Board an overview of the different methods to collect the runoff including infiltration trenches around buildings which would be directed to cisterns for irrigation and then stormwater retention areas where water would be collected, detained and slowly released. They have submitted an Alteration of Terrain permit to the State. They are also going through the process with the State for a new leach field. There have been discussions with Town Road Manager David Buxton on the driveway permit and truck routes. Mr. Ross explained that they have all items on the checklist, but are waiting for DES permitting. He stated that next month they plan to come back to the Board for ADU approval. Mr. Ross stated that their full intent is to complete this project correctly, safely, within code, and while protecting the environment.

Mr. Jacobs, a Certified Soil Scientist and Wetland Scientist presented to the Board explaining that he has been on site a number of times investigating wetlands, examining test bits for soil mapping, completing a soil survey, and analyzing test bits to assist in the design of a stormwater management system. He explained that there had been incidental wetland alterations along the southwest corner of the property along the road, that as a result of he designed a Wetland Restoration Program. Mr. Jacobs explained that the impacted area would not have been easily recognized as a wetland to anyone other than a specialist. There was discussion between the Board and Mr. Jacobs on the wetland restoration area. There was also discussion on the improvements to the existing trail network at the rear of the property. Mr. Jacobs stated that there is a site walk planned for Monday at 7am with the Conservation Commission and have been communicating with Sydnee Goddard. The applicants were informed that due to the cistern, there would need to be an easement drawn up and a surety bond that would be released once work has been completed and inspected.

Mary asked Sydnee Goddard, a representative from the Conservation Commission, if she had any questions. Mrs. Goddard stated that it is difficult to comment until she has seen the condition. She asked if the Forest Society Representative will be at the site walk. Mr. Jacobs said they were invited, but declined. There was brief discussion on the related easement. The Board suggested that Mrs. Goddard list her concerns in writing for the Board's review prior to taking action on the application.

Resident Dick Parker of 146 Drinkwater Rd is an abutter. He addressed the Board with concerns that the applicants are coming to the Planning Board too late, as work has already been done on the property. The Board asked what work has been done on the property other than clearing. Mr. Parker stated that he has seen trucks of gravel going into the property for several months, but no building construction. Julie clarified that what has occurred so far is considered agricultural and does not require Planning Board approval and she feels the applicants have followed the process. Mr. Parker expressed concern that the abutters were not provided copies of the plans and were not properly noticed. Julie informed Mr. Parker of the Town's requirement for noticing abutters and showed the certified mail slip that he had been noticed. Additionally, she informed him that a full copy of the site plans are available during Town Hall business hours and in addition, she offered to meet with him to help him understand the plans.

Resident Elaine Kaczmarek of 42 North Rd stated that she and her sisters are the owners of the property directly across from where the driveway to the subject property is. She explained that the driveway is currently situated directly between two culverts and fears the water will eventually end up on her land. Mr. Ross explained that they have submitted a 300 page drainage study as part of the Alteration of Terrain permit and are working closely to ensure all best management practices are used during construction. He stated that the rate of flow eventually should be less than it currently is. Mr. Ross summarized the plan to address the stormwater.

Resident Brooks Levangie of 159 Drinkwater Rd addressed the Board stating that he lives directly across the street from the property. He asked if the owner plans to live at the property because he has concerns of this being an absentee operation. Mr. Roth stated that he does eventually plan to live at the property. Mr. Levangie said there are ongoing issues with trucks, dogs, and noise from the property. He asked if a building permit was issued for the brown fences that were put up. The Board informed Mr. Levangie that fences are exempt from the definition of structures, therefore do not require a building permit and stated that his previous comments are regarding public nuisance, which this Board does not oversee.

The Board went through the Kensington Site Plan Format checklist. Mr. Ross clarified that they plan to come before the Board again next month for the ADU, and are willing to address any previously discussed potential conditions of approval.

**At 9:39pm, Mike made a motion that the application for Yorkfield Stables at 152 Drinkwater Rd be accepted as complete and that the Board take jurisdiction. Vanessa seconded. All voted in favor.**

The Board determined the following would need to be addressed: Wetlands Mitigation Plan approval, Cistern Plan approval with easement, tracking plan for firetruck, a listing of required improvements with costs for bonding purposes, and the Conservation Commission to list their concerns. The Board feels that this too extensive of a list to issue a conditional approval. There was discussion between the applicant and Board on the timeframe. **At 9:48pm, Mike made a motion to continue the public hearing until the next meeting on October 15<sup>th</sup> at 7pm. Robert seconded. All voted in favor.**

At 9:52pm, Peter rejoined the Planning Board as Chair.

#### **NEW BUSINESS:**

Discussion with Bob Solomon on Heritage Commission

- Bob Solomon of 8 Hilliard Rd addressed the Board representing the Heritage Commission. He briefly described the role of the Heritage Commission and explained that the Commission feels there will be overlap between the Heritage Commission and Planning Board. Mr. Solomon asked if the Planning Board would be willing to name a liaison between the Heritage Commission and Planning Board. The Board will revisit this topic next month.

Possible ordinance compliance issues of recently installed signage at Country Brook Café

- Building Inspector Norman Giroux presented to the Board regarding the signs at the Country Brook Café. He provided his measurements of the signs to the Board and explained that some signs were more difficult to measure than others. This site is allowed 32 square feet of signage, and if additional approval was sought, could be allowed up to 50 square feet. Norman stated that a sign application was submitted in February of 2019, but no approval was issued as the applicant did not complete the process. The Board discussed the current signs on the property and the non-conforming use status of the property. Vanessa will contact the owner regarding the area of the signs. There was additional discussion on the expansion of use at the property.

Discuss / generate a list of all non-conforming building / businesses in town

- **At 10:25pm, Mike made a motion to continue this item and remaining Other Business agenda items until the October meeting due to the time. Mary seconded. All voted in favor.**

**At 10:25pm, Mike made a motion to approve the meeting minutes from August 20, 2019. Robert seconded. Mary abstained; all others voted in favor.**

The next meeting will be October 15, 2019. At 10:27pm, Mike made a motion to adjourn. Therese seconded. All voted in favor.

Respectfully submitted,  
Chelsea Lalime