

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, September 17, 2013**

**7:30 PM**

**Meeting Minutes**

*APPROVED- 10-15-2013*

**In Attendance: Peter Merrill, Chairman; Joan Whitney, Vice Chairman; Glenn Ritter; Jim Thompson; Bob Solomon; Kate Mignone; Dylan Smith, Rockingham Planning Commission Representative.**

**Joan called the meeting to order at 7:35pm.**

**New Business:**

**Driveway Permit- none**

**Capital Improvement Program- 2006-2012- discussion- (CIP)**

**Library, Highway, Recreation Departments**

**Library**

Elaine from the Library trustees was in attendance and was asking if \$10,000 (ten thousand) for a furnace, would be applicable for the CIP. The Board explained that is an appropriate item for the CIP and what they are looking for. Elaine will obtain some quotes and get them to the board for inclusion in the CIP.

The Library currently had two separate furnaces. They recently had an energy audit done and are in the process of replacing some of the windows. She would like to note that if there is a replacement for the furnace they would like to see it able to attach to an air conditioner. Elaine explained that the Social Library Trustees pay for most of the maintenance of the building and the town has typically paid for the bigger items that need replacing, such as the well.

The board thanked Elaine for coming and expressing the needs the Library.

**Highway**

Dave Buxton talked with Kathy and expressed that he would like to see Kimball Road raised as part of his CIP. He is currently looking at other avenues, such as a grant through Emergency Management, and might not need it added. He will let the board know.

**Recreation Department**

No report from recreation has been submitted.

**National Flood Insurance Plan (NFIP)**

The selectmen are holding off on signing the Resolution to join the NFIP. Peter would like to know the boards' feelings on continuing with the process. They expressed that the Selectmen might want to see what the public thinks on the NFIP and what their opinions are on joining it before they sign.

The board has decided to go ahead with the public hearing part of the process and have Jennifer Gilbert attend the Public Hearing on October 15, 2013 to field questions on the NFIP. They would also like to have the Selectmen attend the meeting if possible to voice their concerns.

The board will go ahead and draft the public notification to residents and the legal notice to be posted.

Kathy was asked to see about the Multipurpose room at the school in case there is a large turnout.

The board did reiterate that there are still options for those who are in the zone, and one is to opt out with the Letter of Map Amendment (LOMA). Dylan will work with Jen on creating a jumbo post card to go out before the meeting. The board indicated that if the town votes to approve the Ordinance in March and the Selectmen opt to not sign the resolution then the ordinance is still in affect without the benefits of being part of the NFIP.

The Subdivision changes and the site plan review will just have to be a public hearing and not a town vote so the board will do that in October as well. There was still some concern over the NFIP program going bankrupt and what that would mean to the participants in the program.

***Jim made a motion to hold the Public Hearing to add the following language, read by Peter Merrill to the current site plan review section;***

*For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):*

- A. *The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*
- B. *The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).*
- C. *The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:*
  - (i) *all such proposals are consistent with the need to minimize flood damage;*
  - (ii) *all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,*
  - (iii) *adequate drainage is provided so as to reduce exposure to flood hazards.*

***Joan seconded; discussion none, all in favor. Will be held on October 15, 2013.***

***Jim made a motion to hold a public hearing to add the following language to the current subdivision regulations as read by Peter Merrill;***

*For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):*

- A. *The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*
- B. *The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).*
- C. *The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:*
  - (iv) *all such proposals are consistent with the need to minimize flood damage;*
  - (v) *all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,*
  - (vi) *adequate drainage is provided so as to reduce exposure to flood hazards.*

***Bob seconded; discussion; all in favor.***

***Jim made a motion to hold a Public Hearing on October 15, 2013 on the presented Kensington Floodplain Management Ordinance (see attached); Kate seconded; all in favor.***

These new sections will be added to the current subdivision and site plan review articles after the public hearing in October.

**Board review of Pacy Sign Specs.-**

Mr. Pacy's Mylar was signed and will be recorded in the Registry. The board would like the approval recorded as well. They also adjusted the meeting minutes from 8/20/2013 to add that if either of the Pacy's properties sell they will need to see the board again about the septic waiver.

**OTHER BUSINESS:**

**Recodification-** tabled until November

**Memorandum of Understanding(MOU) with the Department of Transportation:**

Peter read the response to MOU from Russell. Russell expressed that he wanted to make sure that the MOU was clear on what the Town and the State tell each other. The whole point of the MOU is so that there is communication between the two entities. Russell understood that the capacity and safety are important, but they are too vague. Glenn agreed that seemed reasonable, Bob asked where the MOU was

drafted and Joan explained that she had brought it up, but the language came from the DOT. Seabrook has just had the state sign one with them because they had no say in where the cuts on Route 1 were made. Kate expressed that there were three driveway cuts made on out state roads last year and the board had notice of them after the fact. Dylan will have Dave Walker from the RPC take a look at the MOU and make recommendations back to the board. Dylan was given a copy of Russell's comments to forward to Mr. Walker as well. The comments will be sent back to the Planning board to make sure that they are on board with the suggestions and then it will go before the Selectmen again.

#### **Conditional Use checklist for the Aquifer Protection**

The board looked over the checklist for the Aquifer Protection area.

The board expressed different ideas on what to do to determine criteria for #1. In the last application and the first for the Aquifer Protection area, there was minimal impact. In future applications there could be other studies asked for if there is more impact determined. Peter asked if there could be a water test panel done when the property changes hands in the district so that you can see where the contamination if any is coming from. This way everyone would know the quality of the water at the time of the property changing hands. Dylan indicated that if there is a concern that the applicants should call him to discuss the need for testing in the Aquifer. If a study needs to be done it is usually by a Hydrologist. It was also expressed that there could be a request for a waiver of any of the sections as well. Kathy will hand out the checklist to anyone applying in the Aquifer Areas.

#### **Road Side Grant information- discussion**

Noxious weeds are in the site of view on the sides of the roads. Dave expressed that the sides of the roads are not wide enough for planting, and not sure if it was worth doing at this time.

#### **Meeting Minute Updates:**

*Peter updated the board on the possibility for the 107 area from Seabrook to be developed all the way down to the Truck Center that is almost across from the Seabrook Dog Track*

*Also and update to the July 16th meeting*

*He wanted to let the board know where the Kuegel pit is at this point. There was a second report from Christian discussed at the last Selectmen's Meeting that brought up a few issues with the pit and the Selectmen are in the process of looking into it with legal counsel. There is no bond on the pit at this time it has lapsed. Bob asked if he was done with the pit and is it considered closed. Peter explained that there is not an Intent to Excavate on the pit at this time and if there is not one for two years then the pit will have to go through the process through the board to reopen. The board indicated that they have actually gone to the pit inspections before to make sure that everything that was on the approval was looked at. They discussed the idea of having a representative go out and view the current pits when there is an inspection done.*

#### **Approval of August 20, 2013 meeting minutes.**

***Joan has an Amendment; Map 3 Lot 22-1 and Map 3 Lot 22. If either property is sold not just the property that got the site plan approval. This is to safeguard that if the site or Mr. Pacy's property is sold there shall be a septic installed providing the use is still for a business.***

***Motion to approve meeting minutes from 8-20-2013 as amended Jim; Joan seconded; two abstaining.***

Next Meeting—October 15, 2013-Public Hearing on the NFIP-subdivision regulations and ordinance.

**Glenn made a motion to adjourn, seconded by Jim, all in favor at 9:49pm**

**Respectfully Submitted,  
Kathleen T Felch, Planning Board Clerk**