

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, NOVEMBER 19, 2013  
7:30 PM  
Meeting Minutes  
Approved- 12/19/2013**

**In Attendance:** Jim Thompson; Kate Mignone; Joan Whitney, Vice Chairman; Bob Solomon; Scott Lowell, Selectmen's Representative; Dylan Smith, Rockingham Planning Commission; Peter Merrill, Chairman; Glenn Ritter arrived 7:38pm.

Public in attendance: Russell Perry

Peter Merrill opened Public Hearing at 7:33 pm.

**PUBLIC HEARING**

*Notice is hereby given of a public hearing to be held by the Kensington Planning Board on Tuesday, November 19, 2013, beginning at 7:30 p.m. at the Kensington Elementary School Library, 122 Amesbury Road, Kensington, NH. The purpose of the hearing is the following:*

***To remove language located in Article 8, specifically article 8.2 "Definitions," which only makes definitions pertinent to the residential district in town rather than all zoning districts and to move the definitions section of the ordinance into a separate article.***

Peter opened the meeting and asked Dylan to explain the reason for the change to the zoning book. The purpose of removing that section was that it currently has a sentence that indicates the definitions are only pertinent to the residential district, and are not pertinent to the commercial district. Dylan doesn't believe that the intent was to exclude the commercial district in town. It will now become its own definitions article, and this allows the definitions town wide and not just for the residential district. Jim asked were there any reasons that the definitions would change between the residential and the commercial districts. Peter explained that if there was a residence in the commercial district then the definitions would apply. Joan indicated that the intent is to make it clearer and in the future the definitions can be changed. Dylan stressed that this is eliminating the confusion of the districts and giving definitions to the whole town. He suggested that the board might want to set up use tables to make the districts clear. Bob asked if we are just eliminating the sentence and where does it state that. Dylan read the legal notice which states the whole intent, to move the article into its own separate article and to delete the sentence indicating that it relates only to the residential district. Russell Perry stated that there was an issue with the definitions and their interpretations a few years ago. The board discussed the different definitions and that they might need to be changed. No further discussion.

**Joan moves to send this definition section change to the Selectmen to be included on the 2014 Warrant, seconded by Jim, all in favor.**

**New Business:**

**Mark Sikorski and Selectmen New Fee Schedule –**

**New fee scale and inspections to be presented and discussed.**

Russell Perry was present to explain to the board that Mark was helping the town out with the building inspector's position and the board asked him to look into the fee structure, and he found a few things that could be changed. Russell indicated that Mark pointed out to the board where the inspector would not be paid for re-inspections, and if someone put on a dormer to an existing home the inspector would not be compensated for the multiple inspections that it would take.

**Suggested permit fee structure:**

**Building:**

**Minimum: \$85**

**Multiplier: Add \$5 per thousand over \$5000**

**Plumbing (New):**

**Minimum: \$50**

**Multiplier: Add \$5 per thousand over \$5000**

**Note: Plumbing has been included as part of building permit. There is no paper trail for license verification. This should be a separate permit.**

**Sign Permit:**

**\$35**

**Electrical: TBD**

**I am a master electrician. (Since 1981)**

**Minimum: \$85 per inspection**

**Mechanical (New): Includes heating, air conditioning and gas work.**

**Minimum: \$50**

**Multiplier: Add \$5 per thousand over \$5000**

**Re-inspection after failed inspection: \$75. Full fee to inspector.**

**Additional documentation to support failed inspection: \$75 per hour.**

**Suggest adjusting fee share structure to %60 from %40 on base (minimum) fee permits.**

**Fee can remain at %40 for multiplier permits.**

**Certificate of Occupancy inspection: \$75. Full fee to inspector.**

Peter asked if the changes would be for all permitting. Russell explained that this would apply to all building permits. Russell explained that it would now be based on value not on the square footage. Russell came to the board to see if there was something palatable to present to the town that they could come up with. Glenn explained that in other towns the building inspector would set the value, and it is usually more than the builders cost, but is usually reasonable. Peter asked about the heating fees and Russell explained that instead of using the current inspector which is the Fire Chief, it would be done through the building inspector. The current burner inspector gets \$25.00 per inspection. Plumbing is currently rolled up into the building inspector's fees. Russell asked if town's have a cap for the new building. Glenn said he would be willing to look into it for the board. Dylan made a recommendation to take the fees out of the zoning book. The board explained that the Selectmen tried to take the fees out last year and it was voted down by the town. The board indicated that a cap for the new homes would be good. There was also discussion of changing the split of 60/40 on the permits to the inspector, having the inspector getting the 60 and the town 40 percent. Russell explained that this was to make the inspections worth the Building Inspectors time. Dylan indicated that there is a risk of the building inspectors granting inspections to make money. Joan indicated that if they take a vote to give the Selectmen the power to change this, then the Selectmen will have authority over setting the building permit fees. There will have to be 2 warrant articles. Russell explained that this change would also be a user fee, if you don't build anything there is not a fee assessed to you. Joan expressed that we should state that this is to be in keeping with what other towns are doing. Dylan asked the board if they wanted to look into the repeal and replace language to take the fees out of the zoning and give the power to assess the fees to the Selectmen.

**Joan moves to give the power of the fees to the selectmen Jim seconded; 4 people for and 3 opposed.**

The board would like the language looked into for next meeting.

**Agricultural in the Commercial District-**

Joan expressed concern with the buildings currently located on Map 3 Lot 30, Eastman's Corner Farm, and the distance that the buildings are from the road. In the commercial district the setbacks are further from the road than the residential district and she would like to know what the town should be enforcing for setback requirements in the commercial district, regardless of the use. The current owners are using the lot as agricultural and they have been allowed to use the residential setbacks.

Peter asked if you decide to use the agricultural use and have not signed away the commercial right, and if you sell it as commercial in the future, now you have buildings that are non-compliant in that district.

Dylan expressed that the transfer would drive the site plan review for the property. Joan asked about the aquifer protection district for the area as well, do they have to go by the aquifer protection restrictions even if the use is agricultural? Kate indicated that the RSA's would overrule the towns and Russell explained that the town doesn't currently have any regulations on agricultural uses so the state definitions are what the town goes by. The board asked Kathy to check with the State and see what their thoughts are, and if it changes hands what can be done in the town regulations to ensure that the use is conforming.

**Driveway Permit**-none presented

**Zoning Book**

**ARTICLE 3.4-** removal of ground water and Mobile Homes issue- Gravel Pits

Dylan explained to the board that this section in the zoning book will need to be clarified by Town council on the legality of this section. It indicates that after a year the mobile home will have to be removed.

The gravel pit sections seems to have a date that does not coincide with planning board meetings or town meetings, so Kathy will look into it for the next meeting and see if it is a regulation or zoning. The board needs to know if it was voted in at a town meeting or amended at a public hearing.

**OLD BUSINESS:**

**Pit Update-**

Peter asked if there was anything going on with the Kuegel Pit. Russell indicated that they were talking with Mr. Kuegel and figuring out a solution. Peter asked if a bond would be part of the solution, and he was told that might be, but they are still waiting to have a meeting with Mr. Kuegel.

**OTHER BUSINESS:**

***Approval of October 15, 2013 meeting minutes.***

***Jim had a correction to the section on the second page in a comment made by Jennifer Gilbert on the highest point of flooding. She stated that the base foot elevation is 2ft above the highest point of flooding, not the highest point on the ground. Section will be amended as stated.***

***Joan moves to accept the meeting minutes as corrected, seconded by Jim, all in favor.***

**Next Meeting –December 17, 2013**

Joan and Peter attended a Rockingham Planning Commission meeting and informed the board that the State Department of Transportation has a lot of serious problems with the roads and that is why the Town's issues are not on the agenda for being corrected at this point. Some projects are only able to be ½ done at this point because of no funding. They will keep the board informed.

**Glenn made a motion to adjourn, Joan seconded with all in favor at 9:14pm .**

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk