

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
THURSDAY, DECEMBER 19, 2013
7:30 PM**

Meeting Minutes Approved January 21, 2014

In Attendance: Joan Whitney, Vice Chairman; Jim Thompson; Bob Solomon; Glenn Ritter; Peter Merrill, Chairman

Peter Merrill called the meeting to order at 7:43pm.

The meeting was postponed from Tuesday December 17, 2013 due to the weather. Notifications were done.

New Business:

NEW FEE SCHEDULE- wording for Public Hearing on taking Building Fees out of the zoning book and having the Selectmen set the fees for the building inspector.

Peter was thinking about the last meeting and he wanted to talk about the decision more.

In the last meeting there were four people for the fees being turned over to the Selectmen and three against. The board discussed the decision and if the original one could be overturned.

Peter explained that there are two different things that need to be considered for the warrant articles.

One would be to remain under the Planning board's purview where they set the fees and the Selectmen enforce, and the other would be changing the fees and they would keep the fees in the zoning book.

Bob clarified that the board wants to make sure that the fees are updated independent of where they stay.

The board read through the ***Establishment of Fees RSA 41:9a***, which deals with the Selectmen's authority. Kathy had asked Local Government Center's Legal department to clarify the process on how to make sure that the fees and the authority can be changed over in the same annual meeting, and how the fees would be adjusted in the future. They explained in the email that the Selectmen will be able to change the fees with a Public Hearing and that if it is left to the Planning Board it will remain the same process, with the fees only being able to be adjusted at an annual town meeting (March Election).

The board did agree that the fees for the building inspector need to be updated.

Dylan had explained in the last meeting that the fees are usually updated by the Selectmen, not many towns have the fees in the zoning book.

Joan made a motion to send the following questions to the Selectmen to vote at the annual town meeting: Jim Seconded; discussion followed.

Bob made a motion to send the following questions to the Selectmen for inclusion on the March Ballot 2014; Glenn seconded all in favor.

- Per RSA 41:9-a Establishment of Fees. To grant the Board of Selectmen authority to set building permit fees in order to cover municipal inspection, processing and administration costs due to building activity.
- Amend Article 3- Other Regulations, specifically Article 3.1- Building Permit by repealing the section "Building Permit Fee- C, first sentence, and replacing it with the following:
The division of building permit fees shall be determined by the Board of Selectmen.
- Amend Article 3- Other Regulations, specifically Article 3.1- Building Permit by repealing the section "Building Permit Fee Schedule".

To amend Chapter V Public Safety and Welfare; Article 3.1 Building Permit Fee Schedule with the following fee schedule:

Permit Fee Structure:

Building:
Minimum: \$85
Multiplier: Add \$5 per thousand over \$5000

Plumbing :
Minimum: \$50
Multiplier: Add \$5 per thousand over \$5000

Sign Permit:
\$35

Electrical:
Minimum: \$85 per inspection

Mechanical : Includes heating, air conditioning and gas work.
Minimum: \$50
Multiplier: Add \$5 per thousand over \$5000

Re-inspection after failed inspection: \$75.
Additional documentation to support failed inspection: \$75 per hour.

Certificate of Occupancy inspection: \$75.

Joan makes the motion to have the public hearing on the above in January 2014, Jim seconded all in favor.

Agricultural- Setbacks in other districts.

Peter clarified that after further investigation with the Department of Agriculture on the agricultural use in the Commercial District, it was pointed out that it is in the Selectmen and Building Inspectors hands to indicate what the setbacks should be. Most towns follow the setbacks for the district that the agricultural use is in, such as residential or commercial. Joan would like to make sure that the information is used for future building permits. Peter wants the information forwarded to the Selectmen and the Building Inspector for the town.

Driveway Permit-none presented

Zoning Book

ARTICLE 3.4- removal of ground water and Mobile Homes issue- remove?

Kathy had found out that the mobile home article was originally about people using the mobile homes as temporary residences and once the homes were built they would keep the mobile homes on the property and rent them out, causing a non-conforming use. This article was to prevent that.

Removal of ground water

Peter read the legal response that stated it should not be a municipality's decision to regulate ground water. Peter expressed that the land was not the most valuable, potable water is. Bob explained that this is not just an issue here but all over the country.

Joan made a motion to delete Article 3.4 and 3.5 of Chapter V and send the revision to the Selectmen to include on the March 2014 warrant. Jim seconds: Discussion;

Are you in favor of removing Chapter V Article 3.4 Removal of Water? Opposed; will not go to the Selectmen to be on the March Ballot, will remain in the zoning book.

Joan made a motion to remove Chapter V Article 3.5 Mobile Homes. Jim seconded; all in favor to remove from the zoning book.

OLD BUSINESS:

Memorandum of Understanding- with the DOT

Peter would like Russell's reply on the MOU suggestions before adding anything to it.

OTHER BUSINESS:

Approval of November 19, 2013 meeting minutes. Joan moves to approve the meeting minutes Glenn seconded all in favor.

**Next Meeting –January 21, 2014
Public Hearing scheduled for Mobile Homes and selectmen and fees.**

Peter made a motion to adjourn at 9:28 pm, Joan seconded all in favor.

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk

APPROVED