

KENSINGTON PLANNING BOARD MEETING

Virtual Meeting due to COVID-19

TUESDAY January 19, 2020 – 7:00pm

Minutes – APPROVED – 02/16/2021

In attendance: Rob Chase, Chair; Mary Smith, Vice Chair; Therese Wallaga, Member; Jim Thompson, Member; Mike Schwotzer, Member; Vanessa Rozier, Selectman's Representative; Christine Ouellette, Alternate; Julie LaBranche, Rockingham Planning Commission

*All members were alone for the meeting.*

At 7:04pm, Robert called the meeting to order. At the time the meeting started, there were 33 participants on the call. Robert read through the NH Checklist for Virtual Meetings and took roll call.

**At 7:20pm, Mike made a motion to allow Christine Ouellette to act as a full voting member for this meeting only. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Mike voted yes and Rob voted yes. The motion passes.**

**At 7:20pm, Rob made a motion to open the Public Hearing for the Felch Family Trust and read the following aloud:**

*Felch Family Trust, Franklin and Kathie Felch, Trustees with a physical lot address of 137 Amesbury Road, Kensington, NH further identified as Map 9 Lot 2, for a Minor Subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington. The intent is for the property owners to subdivide one 2.01-acre parcel from the 26.5-acre parcel know as Map 9 Lot 2. CONTINUED FROM DECEMBER 15, 2020*

**Jim seconded. Rob took a roll call vote. Mary voted yes, Christine voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Mike voted yes and Rob voted yes. The motion passes.**

Rob noted that the Board received a letter from the Felch Family Trust stating that they have not received the updated plan from the engineer and need to request that this hearing be continued to February 16, 2021.

Mike recused himself from both Felch public hearings.

**At 7:22pm, Jim made a motion to continue the Public Hearing for the Felch Family Trust to February 16, 2021. Therese seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes and Rob voted yes. The motion passes.**

**At 7:23pm, Rob made a motion to close the public hearing. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike abstained and Rob voted yes. The motion passes.**

**At 7:23pm, Rob made a motion to open the Public Hearing for the Felch Family Trust and read the following aloud:**

*Conditional Use Permit in accordance with Zoning Ordinance Article VI Section 6.2 Steep Slopes District for Felch Family Trust, Franklin and Kathie Felch, Trustees with a physical lot address of 137 Amesbury Road, Kensington, NH further identified as Map 9 Lot 2, to allow 5,870 square feet of disturbance to steep slopes to permit a driveway and access easement across Map 9 Lot 2. CONTINUED FROM December 15, 2020*

**Therese seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes and Rob voted yes. The motion passes.**

Rob noted that the Board received a letter from the Felch Family Trust stating that they have not received the updated plan from the engineer and need to request that this hearing be continued to February 16, 2021.

**At 7:24pm, Rob made a motion to close the public hearing. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike abstained and Rob voted yes. The motion passes.**

**At 7:25pm, Therese made a motion to close the Public Hearing. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes and Rob voted yes. The motion passes.**

Mike rejoined the board.

**At 7:25pm, Rob made a motion to open the Public Hearing for the Survivor's Trust c/o Welsh Living Trust and read the following aloud:**

*Survivor's Trust c/o Welsh Living Trust, with a physical location of 13 North Road, Kensington NH, further identified as Map 11 Lot 30, located on North, Amesbury and Osgood Roads in Kensington, NH have submitted a Subdivision application for a 2-lot subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington.*

**Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Christine voted yes, Vanessa voted yes, Mike voted yes and Rob voted yes. The motion passes.**

Pam Welsh presented the plans for a 2-lot subdivision. The new single home lot would be Map 11 Lot 30-2 and would have frontage on Osgood Road. The Board reviewed the plans provided by the applicant. It was explained that the approximate 100-foot strip of land is to serve as a buffer, however it could potentially be sold off at another time. Julie said that the plan would need to be edited to note the new monuments and not just say rebar. Ms. Welsh explained that Surveyor Peter Landry has already placed some monuments. Additionally, it was noted that the plan would need the stamp and signature of a Wetland Scientist and the date would need to be updated to reflect a more current date than November 2020. There was some question as to if the Aquifer Protection District was noted on the plan. It was noted that the aquifer protection district would apply to the entire lot. The Board reviewed the waiver requests submitted by the applicant. The Board discussed the waiver request for Article 3 Section 3.3H pertaining to lot size. After review of the topographical map, it was determined that the upland portion of the proposed lot is 2.78 acres, meeting the town requirement of a minimum of 2 acres therefore the waiver is not needed. The second waiver request is for Article 3 Section 3.3M Tree Clearing. The applicant states that because this is for a single lot and not a large subdivision, this would not apply. There was discussion regarding Osgood Road as a scenic road, and it was determined that it is the right of way that is managed under the scenic road program. Road Manager Dave Buxton noted that there is already a driveway permit established with the town for this lot. **At 7:59pm, Mike made a motion to approve the motion to approve the waiver request from Article 3 Section 3.3M Tree Clearing due to the it being a single-family lot subdivision and the cost would be prohibitive to follow said regulation. Therese seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike voted yes and Rob voted yes. The motion passes.**

The Board reviewed the waiver for Article 3 Section 3.3N3. A waiver was deemed not necessary for this particular Section. The Board reviewed the waiver for Article 3 Section 3.3N8 Preliminary Plans. The applicant states that a complete plan for Map 11 Lot 30 is on file and recorded as D27298. The Board reviewed that plan. The Board discussed that because there is no new development being proposed and given the size of the remaining parent parcel, this is a reasonable request.

**At 8:15pm, Mike made a motion to grant the waiver request for Article 3 Section 3.3N8 Preliminary plans as the mapping is shown on the previously recorded plan and would be an onerous cost with no benefit. Julie noted that the reason for a waiver cannot be a financial hardship. At 8:16pm, Mike withdrew his motion. At 8:16pm, Mike made a motion to grant the waiver request for Article 3 Section 3.3N8 Preliminary Plans because there is a special condition of a large lot and the subdivision is of a minimal lot that is carved out and having met all of the requirements for topography, etc. on the new lot. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike voted yes and Rob voted yes. The motion passes.**

It was noted that the on the plan submitted in the overall plot plan the aquifer protection area is noted as required and the entire parcel is inside of it with exception of Round Hill.

Due to the time limits established at the beginning of the meeting, the Board decided to continue this until the next meeting. **At 8:23pm, Jim made a motion to continue the hearing to February 16, 2021. Therese seconded. Rob took a**

roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike voted yes and Rob voted yes. The motion passes.

**At 8:24pm, Therese made a motion to close the public hearing. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike voted yes and Rob voted yes. The motion passes.**

**At 8:25pm, Rob made a motion to open the public hearing for Hog Hill Preserve, LLC and Gary J. and Kimberly Walker and read the following aloud:**

*TF Moran, Inc. c/o Corey Colwell on behalf of Hog Hill Preserve, LLC with a physical location of 104 South Road, Kensington NH further identified as Map 4 Lot 41 and TF Moran, Inc. c/o Corey Colwell on behalf of Gary J. & Kimberly Walker with a physical location of 102 South Road, Kensington NH further identified as Map 4 Lot 43, have submitted a Lot Line Adjustment application in accordance with Article III Section 3.2 G1 of the Kensington Subdivision Regulations. A portion of the parcels involved are also located in East Kingston, NH.*

**Mike seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike voted yes and Rob voted yes. The motion passes.**

Vanessa noted that she is not recusing herself but would like to make it known that there is a professional relationship with the applicant that will not impact her ability to make a decision. Applicant Corey Colwell of TF Moran introduced himself and the TF Moran team to the Board and explained that he has permission from the land owners to present to the Board. Mr. Colwell summarized the project which includes multiple lot line adjustments and a subdivision. The applicant will also go before the East Kingston Planning Board as parts of the project include land in East Kingston. Mr. Colwell used the plan set provided in the application to explain in detail to the Board the intent of the project. The first lot line adjustment in 2 locations, a 3-lot subdivision of Map 4 Lot 41, and are intending to merge the remaining land of subdivided property with Map 4 Lot 7-1, so that when complete there would be 1 new building lot created by the application. S1 provided an aerial view of the property with boundary lines shown as they exist today and represents the boundaries as seen on the tax map at present time. Sheet S7 depicts the boundaries as intended once approved. It was explained that most of Map 4 Lot 43, is in East Kingston, however there is a small sliver of land in Kensington. The parcel is approximately 6 acres in size prior to the lot line adjustment. Map 4 Lot 41 a 26-acre parcel that is adjacent to Map 4 Lot 41 with 516 feet of frontage on South Road. Map 4 Lot 41 would be subdivided into 3 lots; however, the back 17 acres would be merged with Map 4 Lot 7-1 resulting in two new lots with frontage on South Road. Map 4 Lot 3 is a 156-acre lot and Map 4 Lot 7-1 is a 215 acre parcel. Additionally, the applicant proposes relocating the common boundary line between Map 4 Lot 3 and Map 4 Lot 7-1 so that Map 4 Lot 3 is reduced by 39 acres and Map 4 Lot 7-1 is increased by 56 acres. The applicant provided details of the soils and test pits for the lot proposed to be subdivided. It was explained that the existing boundary line between East Kingston Map 14 Lot 4-1 and Map 4 Lot 4-1 will be relocated slightly east to provide 200 feet of frontage which is the required amount for East Kingston. There are additional lot line adjustments to Map 4 Lot 3 and Map 4 Lot 7-1 so that the common boundary line goes around existing basketball and tennis courts so that it matches with the 17 acres of backland off of the subdivided land of that parcel. Purpose to ensure the basketball and tennis courts are part of map 4 lot 3, ensures the existing skeet range is part of map 4 lot 7-1, and creates the 100-foot strip of land between the westerly sideline of Map 4 Lot 3 which allows the merge with the backland of Map 4 Lot 7-1. Map 4 Lot 3 would decrease from 154 acres to 117 acres and Map 4 Lot 7-1 would increase from 215 acres to 271 acres. Upon approval, there would be 6 buildable lots in total. The applicant noted that Hog Hill Preserve is a 3-party ownership of Richard Green, Emile Bussiere, and Joe Baroni who are avid hunting and fishing enthusiasts who bought this land to keep it in its natural state and have it for recreation. The applicant noted that waivers were also submitted with the application.

There was discussion around preserving the property. The Board questioned the second point of access if the intent is to preserve the property. The applicant explained that if the owners chose to put a conservation easement on the property, there would be an appraisal cost determined based on the developability of the property and a second point of access would increase that value. Julie noted that the owners would likely be able to show the second access point on a plan without actually creating the access point if that was indeed the intent. The applicant stated that there is no intent to put a conservation easement on the land at this time or to open it up for public use. The applicant was asked

about the potential for development and Mr. Colwell noted that at this time they do not know what the potential for development is. The applicant was questioned about existing buildings on the lots, the existing skeet range, and the powerline easement that exists on the property.

The Board asked about the rationale of the shape and size of the proposed lots as they are unusual. It was noted that the 17 acres of backland was intended to be used for outdoor recreation and they intended to provide a strip of land for connectivity to that land without having to cross the other parcel to get to it.

The Board reviewed the waivers requested by the applicant. There was some confusion as to which lots the waivers were requested for. For the subdivision the following waivers were requested: location of water courses, standing water, or fire ponds, location of ledges and other natural features, soil study, topographical map (2 ft. intervals) existing and proposed. For the Map 4 Lot 3 and Map 4 Lot 7-1 Lot line Adjustment, the following waivers were requested: scale (1"=100' or less), wetlands, location of septic systems and wells. There was discussion that even though one of the lots already has a home, the proposal is to reduce the lot size which reduces the area for a septic if the existing system were to fail and a septic area should be shown. Additionally, the proposed lots should have the features mapped if they are to be deemed a buildable lot. The applicant was of the opinion that because there is no plan for development, they didn't need to show the septic and well areas. It was suggested that the applicant clarify the specific lots to the waivers and specifics of the requests. The applicant will include separate notes explaining specific waivers for each lot line adjustment and subdivision. There was concern and discussion regarding the order of the applications and the potential of the creation of an illegal subdivision. The applicant suggested that it become a condition of approval that the LLA be approved but there was concern over this as there are 3 separate applications. There was discussion on the topographical maps and soil studies, and whether they were necessary for the entire parcels. No decision was made but the Board asked the applicant to be more specific in their request. The Board talked about the challenges of viewing a project like this while working in a remote meeting environment. Larger plans could be helpful, at the same time to increase the scale, the plan set would be about 20 pages. There was brief discussion on the wetland waiver request. The applicant explained that because there is no proposed construction, showing the wetland is not required as the aerial image shows surface water and wetlands. Joan Skewes, a member of the Conservation Commission, asked that wetlands from the master plan be shown on the applicant's plans. These are available on the town website or through RPC. It was noted that the Town Engineer had not yet had a chance to review and provide feedback.

**At 10:05pm, Mike made a motion to continue all three public hearings noticed for tonight concerning Hog Hill Preserve, LLC until February 16, 2021. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Vanessa voted yes, Christine voted yes, Mike voted yes and Rob voted yes. The motion passes.**

**At 10:06pm, Therese made a motion to close the public hearing. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Christine voted yes, Jim voted yes, Vanessa voted yes, Mike voted yes and Rob voted yes. The motion passes.**

## **NEW BUSINESS**

### Potential New Alternate Member

- Josh Prenata introduced himself to the Board and explained his interest in joining the Board as an Alternate Member. **At 10:10pm, Therese made a motion to recommend that Josh Prenata be appointed as an Alternate Member with a term expiring April 2021. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Christine voted yes, Vanessa voted yes, Mike voted yes and Rob voted yes. The motion passes.**

### Status Report(s) on Prior Applications' Conditions of Approval, when applicable

- No updates

### Subcommittee Updates

- Growth Management – Rob has been in touch with the town attorney and hopes to have an update for the next meeting.
- Application Process Improvement – The committee has been working on improving the applications and checklists.

**At 10:20pm, Jim made a motion to approve the minutes from December 15, 2020 with a minor editorial change. Therese seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Jim voted yes, Christine voted yes, Vanessa voted yes, Mike abstained and Rob voted yes. The motion passes.**

**At 10:21pm, Therese made a motion to adjourn. Jim seconded. Rob took a roll call vote. Mary voted yes, Therese voted yes, Christine voted yes, Jim voted yes, Vanessa voted yes, Mike voted yes and Rob voted yes. The motion passes.**

Respectfully submitted,

Chelsea Lalime