

KENSINGTON PLANNING BOARD MEETING

Virtual Meeting due to COVID-19

TUESDAY May 18, 2021 – 7:00pm

Minutes – Approved 6/22/2021

In attendance: Robert Chase, Chairman (alone); Mary Smith (alone), Vice Chair (alone); Therese Wallaga, Member (alone); Vanessa Rozier, Member (alone); Bob Solomon, Selectman's Representative (alone); Julie LaBranche, Rockingham Planning Commission (alone), Josh Preneta, Alternate(alone), Christine Ouellette, Member (alone); Janan Archibald, Alternate(alone);

Sarah Wiggin was present as moderator and Andy Clarke was present as Land Use Clerk. Sydnee Goddard was present as Conservation Commission Committee Chair. Matthew Armstrong was present as Road Manager.

Sally Buchanan, Lisa Rowe, Thomas Butters, Bruce Cilley, Justin McLane, and Scott Dearborn were present as members of the public. Bruce Scamman, Karen Parker Feld, and Peter Freeman were present representing Crow's Feat Farm.

Corey Colwell, Brenda Kolbow of TF Moran and Richard Green were present representing Hog Hill.

At 7:00pm, Robert called the meeting to order.

Robert read through the NH State of Emergency E-Meeting Compliance Checklist and took roll call.

Robert allocated 75 minutes to each applicant.

**At 7:09pm Mike made a motion to have Josh Preneta act as voting member for the first two applications. Vanessa seconded. Robert took a roll call vote. Bob voted yes, Mary voted yes, Therese voted yes, Vanessa voted yes, Mike voted yes, Robert voted yes. The motion passes.**

**At 9:35pm Robert made a motion to open the Public Hearing for Hog Hill Preserve, LLC 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 have submitted a Subdivision application for a 3-lot subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington. A portion of the parcel involved is also located in East Kingston, NH. This item was continued from March 16<sup>th</sup>, 2021.*

**Mike seconded. Robert took a roll call vote. Mary voted yes, Bob voted yes, Vanessa voted yes, Josh voted yes, Therese voted yes, Mike voted yes, Robert voted yes. The motion passes.**

Robert asked the applicant if they would be willing to combine their application into one hearing.

**At 9:38pm, Robert made a motion to open the Public Hearing for Hog Hill Preserve, LLC and read the following aloud:**

*TF Moran, Inc. c/o Corey Colwell on behalf of Hog Hill Preserve, LLC with a physical location of 14 Bartlett Road, Kensington NH further identified as Map 4 Lot 3 and TF Moran, Inc. c/o Corey Colwell on behalf of Hog Hill Preserve, LLC with a physical location of 2 Bartlett Road, Kensington NH further identified as Map 4 Lot 7-1 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 South Hampton, NH. This item was continued from April 20, 2021.*

**Mike seconded. Robert took a roll call vote. Mary voted yes, Bob voted yes, Vanessa voted yes, Josh voted yes, Therese voted yes, Mike voted yes, Robert voted yes. The motion passes.**

Robert asked Mr. Colwell to give an update on their proposal. Corey Colwell of TF Moran shared the plan sets with those present. He stated that the application was for a boundary line adjustment in two locations and a two lot

Subdivision of Map 4 Lot 41. The remaining land containing Round Pond is 17 acres in size and will be merged with Map 4 Lot 3. Mr. Colwell stated that first, the plan had been revised to address The Board's concerns and presented those changes. He stated that the 100 foot strip that connected the back land of Map 4 Lot 41 to the back land with the powerline easement has been removed to remove concerns of Lot Shape. Second, a 66 foot wide access easement across Lot B from South Rd to the back land of Map 4 Lot 41 has been eliminated. Third, the plan view and the line table on Sheet S-4 that depicted distances along South Road have been corrected. Finally, the previous plan had soil-based sizing only for lot A. Lot B now has soil sizing on Sheet S-5.

Rob asked Mr. Colwell to show the lot changes. Mr. Colwell stated that Map 4 Lot 41, a 26-acre tract will be subdivided into 2 lots. The 17-acre remainder of the 26 acres will be joined to Map 4 Lot 3 to make an area 141 acres in size. Boundaries on Map 4 Lot 3 would be changed to include a basketball and tennis court from Map 4 Lot 7-1 to Map 4 Lot 3. The lot line would be moved to allow the powerline easement to be on Map 4 Lot 7-1 only.

Mike asked why the boundary line on Map 4 Lot 7-1 cut left now where initially it was a straight line. Mr. Colwell stated that this was to give Map 4 Lot 7-1 more property. He described that this was for recreation such as hunting and fishing, including a skeet range.

Mr. Colwell stated his waiver requests, which are listed on the cover sheet provided to the Board.

Waivers sought for the Boundary Line Adjustment:

1. A request for a scale 1'=100' or less to be waived to allow fewer sheets for plans.
2. The second waiver was for depicting wetlands on the plans. TF Moran has shown wetlands delineated by a Certified Wetlands Scientist on the 2 lot subdivision, however the backland is approximately 500 acres, therefore Mr. Colwell felt that approximate wetlands taken from NH GRANIT would be sufficient.
3. The third waiver request regarded septic systems and wells. He stated that the lot lines to be adjusted are not near any septic system or well. Due to the large size of the parcels and the fact there is no proposed construction or development associated with the boundary line adjustment he felt it justified.
4. The fourth waiver was for monuments being set. Newly created lot corner would be set as a monument associated with this plan subdivision or boundary line adjustment. Mr. Colwell felt that setting monuments on the entire 500 acres would be burdensome.
5. Lot Shape. Mr. Colwell felt that the applicant removed Lot irregularities by removing the 100 foot strip. This was left in the event The Board still felt that the Lots were irregular.

Waivers sought for the Subdivision Application:

1. There was a waiver sought for soil study for the property noted as Map 4 Lot 41 "Remaining Land" which is the 17-acre parcel to be merged with Map 4 Lot 3. Lot A and Lot B of the subdivision have both had soil samples completed, however Mr. Colwell stated that there is no proposed construction on the Remaining Land.
2. A waiver sought for Lot Shape. Mr. Colwell stated he did not find Lot B irregular. He noted thought that if The Board disagrees, it was submitted in an abundance of caution.

Robert stated that he felt that the lot shapes proposed were still irregular. He described that the southern boundary of Lot B of Map 4 Lot 41 was a diagonal shape instead of squaring it off and asked for a reason. With regard to the proposed lot line adjustments between Map 4 Lot 7-1 and Map 4 Lot 3, he stated that while he understood the rationale for the jog around the tennis court and skeet range, there was little rationale for extending Map 4 Lot 7-1 westward underneath Map 4 Lot 3. Rick Green stated that he felt that the Lot Shape regulation was typically used so that subdivisions don't try to squeeze in another lot. He stated that none of the land was being developed. He felt the regulation was typically for a multi-lot subdivision. Mr. Colwell read Kensington Subdivision Regulation 3.3.B.2.a which states that lots shall be shaped in a manner that promotes clarity of ownership. He felt that was the purpose for the jog and line across the powerline to create clarity of ownership of the skeet range in Map 4 Lot 7-1 and the basketball courts

in Map 4 Lot 3. He went on to say that though the Regulations asked for rectangular shapes to the maximum extent possible and he felt that due to the reasons given, it was not possible because of the shape of the basketball and tennis courts. He went on to describe the skeet range, and how the jog left was to accommodate that in Map 4 Lot 7-1.

Julie noted that some of the waiver requests on the plan cite the ordinance or regulation they refer to and others did not. She stated that the applicant would have to amend the notes to reflect the ordinance or regulation. She stated the Board needs to come to findings for each waiver request to determine which waiver criteria is met and felt there should be a detailed narrative for each waiver request. Mr. Colwell stated that the December 29th and February 1st letters stated the waiver request narrative. Julie stated that the waivers had changed since those letters. Mr. Colwell stated that the only waiver not addressed in writing was Lot Shape.

Mike discussed the sequence of events for the subdivision process. Under the applicant's proposal, Lot A would be created first and then Lot B, which would make the 17-acre remaining lot an orphan lot. His suggestion was to merge Map 4 Lot 41 with Map 4 Lot 3 and then subdivide the 2 residential lots A and B. Mr. Colwell said he had no issue with a restriction stating that the subdivision would be invalid unless there is a merger of the backland. Julie asked about the sequence. Mr. Colwell stated the order of operations would be the Boundary Line Adjustment between Map 4 Lot 7-1 and Map 4 Lot 3 would come first, then the subdivision of Map 4 Lot 41, then the merger of the backland of Map 4 Lot 41 into Map 4 Lot 3. There was discussion about the sequence of events. Mr. Colwell read the February 1<sup>st</sup> 2021 letter that described the process. Vanessa noted that memo used the old lot sizes and needs to be updated to reflect the current plan.

Robert noted that a new letter with currently proposed steps and sequencing reflecting only the existing condition and the revised proposal would be useful. He also suggested that updating the waivers with reasons and rationale citing one or both of the two conditions that would allow the Board to approve a waiver would help The Board make an informed decision. He suggested that along with this new letter, all of the notes on the planset be updated to refer to the current plan.

Lot lines for the properties were discussed referring to the diagonal line at the southerly border for Lot B of Map 4 Lot 41 and also of Map 4 Lot 7-1. Rick Green stated that there was no intention of making a roadway or subdivision, and that eliminating the originally proposed 66-foot wide right of way through Lot B would remove any road access. He discussed slope and water table issues on the property that would take relief from the town in order to develop on. Robert noted that it would be helpful for the applicant to consider writing their plans for the land down, possibly in their new letter. The applicant was comfortable stating they were not proposing any future development but not comfortable with a conservation easement. The applicant suggested that letters from professionals could be furnished as a means of demonstrating that the land would be difficult to develop. Robert asked if TF Moran could provide that information along with a new cover letter to describe the current configuration of the lots and describe the supporting information for their plans.

Sydnee Goddard spoke about conservation easements which can accommodate hunting and reserved areas, such as for the skeet shooting area. Rick Green stated he does not intend to put any of this land in conservation.

**At 8:24pm Mary made a motion to close the public hearing for items 1 and 2 from TF Moran. Therese seconded. Robert took a roll call vote. Mike voted yes, Vanessa voted yes, Josh voted yes, Therese voted yes, Bob voted yes, Mary voted yes, Robert voted yes. The motion passes.**

**At 8:25pm Mike made a motion to continue TF Moran Hog Hill Preserve Application for 3 lot subdivision Application for Hog Hill Preserve for Lot Line Adjustment to June 15<sup>th</sup>, 2021. Vanessa seconded. Robert took a roll call vote. Mary voted yes, Bob voted yes, Josh voted yes, Vanessa voted yes, Therese voted yes, Mike voted yes, Robert voted yes. The motion passes.**

**Robert asked to take a five-minute recess and to reconvene at 8:35pm.**

Christine stated she was in a room alone. Robert stated that Christine would be acting as full member. He asked for a roll call of new people on the call. Attorney Amy Manzelli was present representing Crow's Feat Farm. Julia Winer, Elizabeth Haskett, Linh Aven, and Sean Merryman were present as residents of Crow's Feat Farm.

**At 8:37pm Robert made a motion to open the Public Hearing for The Crow's Nest, LLC**

*The Crow's Nest, LLC submitted by Karen Parker Feld, regarding the parcel located at 180 Drinkwater Road, Kensington, NH 03833. The parcel identified as Tax Map 12 Lot 46 is requesting a Site Plan Review for commercial-scale agricultural uses to include a farm store, commercial kitchen, and meeting space.*

**Mike seconded. Robert took a roll call vote. Therese voted yes, Bob voted yes, Christine voted yes, Mike voted yes, Mary voted yes, Vanessa voted yes, Robert voted yes. The motion passes.**

Robert asked for an overview of their application. Karen Parker Feld stated that they were building a small farm store, meeting space and kitchen for members of the community to facilitate the work of the farm, to sell produce and have a kitchen to preserve and can and process goods made on the farm. She stated it was a modest scale and that it was designed to maximize integration with farm activities.

Robert asked if the Board had any questions. Bruce Scamman stated that he could share his recent updates to the plans. He described the proposed farm stand, which was now set further back than the original plan set. There will be gravel driveway and grass parking. A turnaround will be located behind the farm stand. Mr. Scamman described a location for trash and recycling next to the farm stand to take out to the road. The stand is 28' by 52' with a 9-foot porch around it. Discussion took place about overflow parking, which could accommodate 52 total parking spots. There would be an outdoor agricultural classroom platform that could accommodate a tent. The second floor of the farm stand would also have space to host a learning area. Mr. Scamman discussed Beals Associates review and believed they have addressed his concerns of wetlands with a soil survey which showed that there were no wetland areas near the construction area. Mr. Scamman stated that the current greenhouse would be relocated offsite. Sight distance for roadways were discussed. Current regulations require 400 feet for line of sight for driveways other than single family. The current plans would be 380 feet in a straight line from the southern direction. Grades were discussed on the driveway profile. Drip edge will be installed. Mr. Scamman stated that he felt it would not be necessary to have a culvert along the road at the front of the property. A description of the review and comments from Christian Smith of Beals Associates made in his May 11<sup>th</sup> letter and the related actions taken on the plans were discussed by Mr. Scamman. Mr. Scamman described the farm stand and its scale using the plans provided, which he showed as having a residential farm setting.

Robert asked if the Board had any questions. Christine asked about no parking signs in the turnaround area and also about the size of the trash receptacle area. There were no plans for that signage, and the trash receptacle area discussed per Mr. Scamman was 4' by 8'. He stated the applicants would rather not have a dumpster on site. This space would allow 4 totes town trash barrels for trash or for recycling. Mr. Scamman stated that they had proposed vegetation on the right-hand side of the driveway for a vegetative wall. Bob Solomon asked if there were any living quarters in the Farm Stand. Mr. Scamman stated there were not. He noted that on the plan "Living Area" did not denote an actual living space, only an area to be used for activity. He went over the inside design of the Farm Stand. The bathroom was moved to the first floor to accommodate ADA. Mike asked whether the trash would be picked up with the normal town trash cycle. He asked if the town should be responsible for picking up the trash from that property. Karen Parker Feld and Mr. Scamman discussed trash and composting. Vanessa noted that the town may provide multiple barrels to those who need it.

Mr. Scamman stated that the lights would be dark sky compliant and downwards facing for the entrance and parking. Some lighting would be motion sensed but also dark sky compliant. Robert referenced a letter from Fire Chief Jon True and asked if Mr. Scamman had a chance to review it. Mr. Scamman stated that all safety standards would be met during the permitting process. Josh asked if it was a commercial kitchen. Mr. Scamman stated it was a farm kitchen.

which may be used for farm dinners or perhaps if there were classes upstairs it may be prepared downstairs. Josh stated he was asking for fire and safety reasons to which Mr. Scamman replied that would be part of the building permit process.

Vanessa asked about the handicapped parking spot and how it is delineated on grass. Mr. Scamman stated that timbers could be used to delineate the different spots and have a placard on the space for handicapped. Sawhorses were another option. She noted on sheet D-1 it states pavement. Mr. Scamman said it would be removed or changed to grass on the plan set. Vanessa asked about the culvert that Christian Smith had noted in his comments. She asked if, historically, there had been any ponding. Sight line was discussed. Karen Parker Feld stated that the new driveway would have a longer sight line in the westerly direction. She stated that she had not seen any evidence of ponding or accumulation of runoff on that stretch of road. Vanessa asked if the grades for the driveway would be preserved. Mr. Scamman stated that there would be a drop at the beginning of the driveway that would not add water to the road. Bob Solomon stated that the first 10 feet are at a negative pitch.

Julie asked whether there were stormwater calculations. Mr. Scamman stated that the water flows towards the back of the property, but there have not been drainage calculations completed. It was stated that there was an infiltration trench all the way around the building. She asked if it filled up where the water would go. Mr. Scamman stated that the water would run back on the farmland. Julie asked where the water would go off the gravel driveway in regard to the property next door. Mr. Scamman stated that the water would go off to the back of the property. Mr. Scamman described a 3-5% slope towards the back of the driveway.

Julie asked how many parking spaces were being provided on the front parking spaces. Mr. Scamman stated there were 4 spaces to the right of the handicap space and 5 to the left. Julie asked about event space and overflow parking. She asked about signage for event parking. She asked if there was a safe way to move from the overflow parking to the farmstand. Mr. Scamman stated that the northwest side of the farmstand had an entrance that faced the overflow parking. She asked about lighting from the overflow parking to the farm stand. Mr. Scamman stated that there was no plan for permanent lighting for that parking area. Ms. Feld stated that they were not trying to illuminate the field but could use solar lighting.

Robert noted the single waiver request for Zoning Ordinance 4.2.4.A.2 : Driveways Other than Single Family that requires sight line distance of 400 feet in either direction. The sight line in this case was 450 feet in one direction and 380 feet in the opposite direction.

Rob noted that any waiver that The Board was to consider must meet one of two conditions, either:

1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
2. Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Mike Schwotzer stated that he believed it was specific circumstances relative to the conditions of the land due to the speed limit and would carry out the intent of the regulations, which is condition 2.

**At 10:15pm Mike made a motion to Approve the Waiver reducing the requirement for a 400 foot sight line to 380 feet due to the physical condition of the property being located in a 30 or 35 mph zone which reduces the required sight line below the regulation as stated. Therese seconded. Robert took a roll call vote. Christine voted yes, Mary voted yes, Mike voted yes, Bob voted yes, Vanessa voted yes, Robert voted yes. The motion passes.**

Robert read through the Site Plan Format Checklist. It was noted that the applicant needed a certification of compliance with State and Town septic regulations. All other items were either complete or not applicable.

**At 10:23pm Mary made a motion to accept the Application as complete. Mike seconded. Robert took a roll call vote. Therese voted yes, Christine voted yes, Vanessa voted yes, Mike voted yes, Bob voted yes, Mary voted yes, Robert voted yes. The motion passes.**

Robert stated that the Board had discretion to move to an expedited process to hear comments and questions from the public and then decide whether the Board would decide on the Application. He opened comments to the public.

Lisa Rowe of 188 Drinkwater Road who lives with Jean Dearborn asked to speak. Ms. Rowe expressed concern with the runoff to the back of the property and that it may go to a pond set in that area. Mr. Scamman described the pond as being roughly 800 feet to the back of the property. He stated that water would be negligible due to a grassed area and a silt sock that would be beyond the turnaround that would be an erosion control measure. Ms. Rowe described the traffic on the road and that she was concerned about speeds that she believed were in excess of the speed limit. She also expressed concern over noise levels from the concerts and outdoor learning areas. Karen Parker Feld stated that occasionally there would be larger events, but they would not be frequent. She described the scale and that she would take Ms. Rowe's concerns into account.

There was further discussion about noise that may be caused by concerts at the farm. Attorney Manzelli stated that the farm has had amplified music, and that an alternative would be time limits. She stated that though she felt the zoning ordinances did not apply to this application that the Feld's would be willing to comply to ordinance 3.3-A.3. Karen Parker Feld mentioned that they could keep the volume to a reasonable limit. She said she was open to calibrating the noise level. Mike Schwotzer asked if they were planning to have concerts at 180 Drinkwater Road. Karen Parker Feld stated that she didn't believe they would occur this summer, and concerts would always be during the day. Vanessa stated that for larger gatherings The Town requires a permit that might suit to address the noise. Attorney Manzelli read the Noise Ordinance for Kensington. Mr. Scamman stated that regular farming uses may cause noise outside of the noise ordinance hours, which he thought should be addressed in the conditions to specify any noise condition to concerts.

Attorney Manzelli addressed the stormwater condition stating that it was an agricultural project which is exempt from a stormwater plan. Robert noted that The Board wanted to address the Town Engineer's concern. Julie stated that she thought a narrative explanation of the stormwater management system would be sufficient.

Robert read through the Conditions of Approval:

1. Change notation of "pavement" to "grass" on Plan Sheet D-1.
2. Provide a narrative providing additional information concerning the stormwater plan which would serve to address the Town Engineer's concerns in comment #10 in his letter dated May 11<sup>th</sup>, 2021.
3. Provide a sequence of construction and schedule of inspections for the building of the farm stand and driveway.
4. Obtain septic plan approval from the State of New Hampshire.
5. Add language pertaining to concerts happening on the property that reflects language in Zoning Ordinance Section 3.3-A.3 stating that concert use is not offensive to the public due to noise, vibration, excessive traffic, unsanitary conditions, noxious odor, smoke, nature of the activity or other similar reasons.
6. A driveway permit and a building permit are required.

The board has delegated to the Planning Board Chair and the RPC Circuit Rider representative the responsibility for ensuring that the applicant has met these conditions.

**At 11:01pm Mike made a motion that the Planning Board grant conditional approval to Karen Parker Feld of 178 Drinkwater Road regarding the Crow's Nest, LLC property for a farm stand and that the conditions enumerated by the Chair be listed and that the Board grant the site plan approval. Mary seconded. Robert took a roll call vote. Therese voted yes, Vanessa voted yes, Christine voted yes, Bob voted yes, Mike voted yes, Mary voted yes, Robert voted yes. The motion passes. The Application has been Approved with Conditions.**

**At 11:04pm Vanessa made a motion to close the public hearing. Mike seconded. Robert took a roll call vote. Mary voted yes, Bob voted yes, Vanessa voted yes, Christine voted yes, Therese voted yes, Mike voted yes, Robert voted yes. The motion passes.**

#### **NEW BUSINESS**

With the Board having full membership due to new Alternate Members, Glenn Ritter will be resigning as an Alternate Member of the Planning Board with term ending April 2023. The Board would like to thank Glenn Ritter for his many years of dedicated service.

**At 11:06pm Mike made a motion to accept Glenn Ritter's resignation as Alternate Member with term expiring April 2023. . Bob seconded. Robert took a roll call vote. Mary voted yes, Vanessa voted yes, Christine voted yes, Therese voted yes, Bob voted yes, Mike voted yes, Robert voted yes. The motion passes.**

Robert introduced Justin McLane as a potential new Alternate Member of the Planning Board. Justin described his interest in being on the Planning Board.

**At 11:10pm Vanessa made a motion to the appointment of Justin McLane as an Alternate Member of the Planning Board expiring April 2023. Mike seconded. Robert took a roll call vote. Bob voted yes, Mary voted yes, Mike voted yes, Vanessa voted yes, Therese voted yes, Christine voted yes, Robert voted yes. The motion passes.**

**At 11:12pm Vanessa made a motion to approve the April 20th, 2021 Planning Board Meeting Minutes as submitted. Therese seconded. Robert took a roll call vote. Bob voted yes, Mary voted yes, Mike abstained, Christine voted yes, Therese voted yes, Robert voted yes. The motion passes.**

The next monthly meeting will be Tuesday, June 15th, 2021 at 7:00pm.

**At 11:13pm Mike made a motion to adjourn. Vanessa seconded. Robert took a roll call vote. Bob voted yes, Vanessa voted yes, Therese voted yes, Mary voted yes, Mike voted yes, Christine voted yes, Robert voted yes. The motion passes.**

Respectfully submitted,

Andy Clarke  
Planning Board Clerk