

KENSINGTON PLANNING BOARD MEETING
at Kensington Town Hall Meeting Room, 95 Amesbury Rd, Kensington, NH
WEDNESDAY September 15, 2021 – 7:00pm
Minutes – Approved 10/20/2021

In attendance: Mary Smith, Vice Chair; Bob Solomon, Selectman's Representative; Janan Archibald, Alternate; Vanessa Rozier, Member; Josh Preneta, Member; Christine Ouelette, Member; Justin McLane, Alternate; Glenn Greenwood, Planner;

Andy Clarke was present as Planning Board Clerk. Matthew Armstrong was present as Road Manager.

Anthony Jones of Jones and Beach was present representing the Zammers. Kathy Corson was present as a member of the public.

At 7:02pm Mary called the meeting to order.

Anthony Jones of Jones and Beach, on behalf of Linda Zammer, described their plans as a consultation for the Board with a physical location of 2 Hobbs Road further identified as Map 13 Lot 15 for a 2-lot subdivision.

Mr. Jones described the parcel as approximately 15 acres in size. The applicant would like to subdivide this into two lots, one 2 acres in size that contains a pond, which would be a non-buildable lot that could never receive a septic system. The other lot would be approximately 13 acres, however it was noted that it would need to be surveyed to get a definite acreage, which could be up to 15 acres. This lot would have frontage on Hobbs Road.

Glenn advised the Board against a non-buildable lot. He explained that he felt there was no Town provision for non-buildable lots, and the application would have to go before the ZBA, who he also felt should not create a non-buildable lot. He discussed wanting to hear from counsel about the possibility of using a boundary line adjustment as an option to separate the land ownership. The state does not consider a bisecting road a cause for the creation of a subdivision, however it was unclear whether this would be the case for a town road. This would allow the property to be divided and both have the pond remain in the Zammers' ownership and the resulting land be under the ownership of the neighboring property owners.

Bob asked whether or not the resulting 13-acre lot would be buildable and conforming. Mr. Jones stated that with Zoning Board Approval it could be buildable. The site was approved in 1995, however the wetland requirements have since become more restrictive.

Glenn would like to speak to Town counsel to find whether it would be possible to make a boundary line adjustment with the property across the road. Justin asked if it would make a difference if it was put into conservation. Glenn gave an alternative solution that the Town could suggest a Zoning Amendment change for the sake of open space parcels or parcels for conservation where the Planning Board or

Zoning Board can create non-buildable lots. This would require a town meeting vote. Mary asked how an easement on the pond area would be worded. Mr. Jones explained that the easement would give use of the pond and any structures in addition to maintaining the pond, the hydrant and tree clearing. Glenn felt that even if a boundary line adjustment was possible the applicant would still need Zoning Board approval. Justin felt that the new lots would have to be recorded simultaneously. The property was described in regard to wetlands, upland and the stream that is present. The prior ZBA application on this parcel was discussed in regard to the Hydric Soils and building and septic setbacks. Mary felt that the applicant should talk to their client and counsel to discuss next steps. There was discussion about changing the Zoning Ordinance to allow for non-buildable lots in the case of open space and what steps would be necessary. It was noted that there is no current definition of a non-buildable lot in the Town regulations, and therefore would have to be defined.

NEW BUSINESS

The frequency of tax maps provided by Avitar was discussed as well as the cost of simply retaining data versus purchasing maps more frequently. There was discussion of the benefits and costs of both options. This will be discussed at further meetings.

Buildable lots were discussed in regard to the definition of a buildable lot, and what a landowner can do with a non-buildable lot. Glenn recommended making a provision in the Zoning Ordinance for open space purposes that does not meet the Zoning Board standards of a buildable lot. Glenn will put together a definition for buildable lot. Conservation land was discussed in addition to land in current use. Vanessa discussed what work that the Planning Board could accomplish before the end of the year. Items such as subdivision and tree regulations were mentioned.

There was discussion of a driveway permit for 203 Drinkwater Road. Driveway permits were discussed. The plans specific to this parcel required the driveway to be in a specific location on the property.

At 8:14pm Vanessa made a motion to approve the driveway permit subject to the Chairman reviewing the location of the driveway and confirm that it is in line with the actual subdivision plan. Josh seconded. All in favor. The motion passes.

There was further discussion about driveway permits. Justin suggested keeping a running list of items of note during meetings that would require further inquiry or changing. The current status of the Buildout Analysis was discussed.

At 8:30pm Christine made a motion to approve the minutes of August 18th, 2021. Mary seconded. Mary, Janan, Bob, and Christine voted in favor. Josh, Justin and Vanessa abstained. The motion passes.

At 8:31pm Justin made a motion to adjourn the meeting. Vanessa seconded. All in favor. The motion passes.