

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY**

Monday, December 1, 2014

7:00 PM

Meeting Minutes

In Attendance: Joan Whitney, Jim Thompson; Michael Schwotzer, alt.; Peter Merrill, Planning Board Representative.

Selectmen: Norman DeBoisbriand, Robert Wadleigh, Peter Merrill

Mike made a motion to open the Planning Board Meeting at 7:05pm, seconded by Jim all in favor.

Peter explained that this meeting is to clarify the definitions within the current ordinances and regulations. Joan would like to see both definitions on dwellings and structures the same. Mike explained that no more than one single family dwelling was the issue. Mike read the following current definition.

- **Dwelling unit - Means a single unit providing complete independent living facilities, eating, cooking and sanitation.**

Opposing counsel used the cooking aspect of the existing definition, to make the dwelling unit definition not apply to that case. He would like to focus on dwelling, and make sure that it is flexible enough so that you can say that it is capable of cooking. Peter asked about using eating and/or meal preparation instead of cooking. Mike asked if anything was obtained from legal counsel from the Selectmen or Kathy and there was not any legal advice sought. Lynne explained that the board had been instructed that the Zoning Board does not draft the definitions that would be the purview of the Planning Board. The board will draft the definitions and then send to legal for their suggestions. Joan questioned about occupancy permits, and when someone lives in a place they need to have an occupancy permit to be able to reside there or it is not legal. Mike explained that in that case the Zoning Board was told that no one was living in the structure, through sworn testimony. Mike explained that this was very case specific. There was a gap between building inspectors and that is when the loss of information happened, and hopefully that will not happen again. Peter explained that there should still be documentation even on verbal conversations in the future. Mark Sikorski, Building Inspector, was asked if he had any comments. He suggested:

- Good tracking of the construction process;
- Catalog and documenting the steps;
- Should be recorded in the property folder;
- Accurate plans on what is to be created;
- Sign off on the plans and approve every step of the construction

In the last case there was nothing concrete to go on, just hearsay.

Peter asked if there was a way to add to the permit that the structure is to be used for either a dwelling or not. Norman explained in this case the application was for a garage and there was an unrecorded change that would require either another building permit or amendment to that permit, which was not done. Peter explained that a verbal agreement that is not recorded in some sort of fashion, would it have existence if it was not recorded. Norman explained that the final say on the permits would have been with the Board of Selectmen, so the changes should have come through them. Peter would like to have the ever or never added to the building permit. Mark asked how long the current ordinance been in place that there was not an allowance for an accessory dwelling. He indicated that Mr. Grant never would have approved the living situation in that particular building.

Mike read the International Building Code definition. Joan added the following.

DWELLING	A room or group of rooms in a structure designed or used as a place for independent occupancy by person or family without need to use other areas of structure or another structure for cooking sleeping living or use of sanitary facilities. (Meal Preparation instead of cooking)
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She researched other towns and came up with this definition for dwelling. The board was fine with this definition, with minor change to meal preparation instead of cooking. Mike read the definition of Alteration that was from the 2009 International Building Code Book, Kathy commented that she had found the 2009 online, but Lynne had the 2012 edition in the office and that definition is a little different.

ALTERATION. 2009	Any construction or renovation to an existing structure other than repair or <i>addition</i> .
ALTERATION 2012 EDITION	Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in the mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

The board decided to go with the definition from 2012, which is more inclusive.

Mike read the engineer definition:

Engineer-	a person who by reason of advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice engineering, and who is licensed by the NH Joint Board or otherwise authorized by the State of NH to engage in the practice of engineering.
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Boards agreed with this wording.

Existing Structure Definition was then read:

EXISTING STRUCTURES	The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the New Hampshire Fire Code Saf-C 6000 (NFPA 1 and NFPA 101) or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
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Mike would look to the like to look into the purposes and allowances in the district, and he would not be sure if the board would like define them so tightly. Kathy explained that this definition was not used in the 2012 edition; it was split up and would not define what the board was looking to. Mike explained that the boards should be using the more restrictive definitions from the adopted building codes. He would like to see some of the definitions in the Towns zoning the same as the State Adopted ones so that you don't have to keep going back and forth. Peter would also like to that the board look at revisiting the definition of structure. Peter explained that retaining walls are not currently defined as a structure within the ordinance. Joan suggested putting in a definition with the Storm Water Management that the board is currently working on.

Expansion of Use:

Kathy explained that the case thought that this explanation dealt more with Commercial construction than Residential. It was explained that it is found in the Septic Regulations in Chapter V, Article 3.8 B (5) (page 122). Mike suggested adding another line. Change within a structure causing additional flow rates.

And adding punctuation to make it defined. Joan believes that this should be for all zoning.

Expansion of Use	Within Septic Regulations as: pg 122 An increase flow of wastewater into a septic system created by; An increased number of bedrooms in a dwelling unit; An increase in the number of employees in a commercial use; An increase in floor area or increased number of seats in any building resulting in increased wastewater flows.
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Mike asked if the definitions will be brought forward in the re-codification. Yes, they will. Mike suggested working up a definition for the next meeting. The Planning Board will be sent the information and will work up a definition at the next meeting. Norman asked with the regards to the septic, where the pump was in the garage, wouldn't that be required to be filed with the County? Whether it is an in-kind change or not it needs to be filed with the Rockingham County Conservation District.

Mike made a motion to send these definitions as presented to Planning Board Public Hearing on the 16th of December, Jim seconded, with all members in agreement.

Mike made a motion to close the Planning Board Meeting at 7:37pm, Jim seconded all in favor.

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk