

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, DECEMBER 16, 2014  
7:30 PM  
MEETING MINUTES- approved 1-20-2015**

**In Attendance:** Joan Whitney, Kate Mignone, Jim Thompson, Glenn Ritter, Bob Solomon, Peter Merrill, Selectmen's Representative. Julie LaBranche arrived at 8:30pm.

**Also attending:** Mark Sikorski, Building Inspector, Sydney Goddard and Robert Gustafson, Conservation Commission.

**PUBLIC HEARING**

Pursuant to NH RSA 675:7, notice is hereby given of a public hearing to be held by the Kensington Planning Board on Tuesday, December 16, 2014, beginning at 7:30 p.m. at the Kensington Elementary School Library, 122 Amesbury Road, Kensington, NH. The purpose of the hearing is the following:

- 1) Clarify current explanation of the Expansion of Use within the Septic Regulations Chapter V Article 3.8 B (5);
- 2) Replacing the current definition of Dwelling Unit within Chapter II Planning And Zoning, Article 8.2 (J)
- 3) Replacing the current definition of Engineer within Chapter III , Article 2 (H) and Chapter V, Article 2 (D)
- 4) Adding definition of Alteration to apply to Chapter II Planning and Zoning Article 8.2; Chapter III Subdivision Regulations Article 2; Chapter IV Site Plan Review Article 2; Chapter V Public Safety and Welfare Article 1.2; Chapter VI Telecommunications Article 3; Chapter VII Wind Energy Conversion Systems Article 2.

Joan opened the public hearing at 7:31pm. The definition was discussed and there were no questions on the proposed definition.

Proposed definitions for Dwelling/Residence is as follows:

<b>DWELLING/RESIDENCE</b>	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 meal preparation, sleeping, living or use of sanitary facilities.
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**Kate made a motion to approve the proposed definition for a dwelling/residence and send it to ballot for the March 2015 election. Peter seconded; with all in favor.**

Proposed definition for Alteration is as follows:

<b>ALTERATION</b>	Any construction or renovation to an existing structure <b>which requires a permit other</b> than repair or <b>replacement</b> . Also, a change in the mechanical system that involves an extension or change to the arrangement, type or purpose of the <b>existing</b> installation.
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The definition was read and changes were made. There were questions on the permit explanation and original installation was changed to existing installation. The board wanted it clear to everyone when a permit is required. The board redrafted the definition to the one stated above.

**Jim made a motion to send this definition to the ballot for the March 2015 election. Kate seconded with all in favor.**

The proposed definition for Engineer was read. This was discussed briefly and the board decided on the definition below.

<b>Engineer-</b>	a person who by reason of advanced knowledge of mathematics and the physical sciences, acquired by professional education <b>and/or</b> 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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**Jim motion to accept the definition of Engineer and send it to the March 2015 election; Glenn seconded all in favor.**

The following definition of Expansion of Use was read and discussed. It was a clarification of the definition by adding punctuation.

<b>Expansion of Use</b>	An increase flow of wastewater into a septic system created by: <ul style="list-style-type: none"> <li>• An increased number of bedrooms in a dwelling unit.</li> <li>• An increase in the number of employees in a commercial use.</li> <li>• An increase in floor area or increased number of seats in any building resulting in increased wastewater flows.</li> <li>• A change within a structure causing additional flow rates.</li> </ul>
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**Jim made a motion to have this definition included on the March 2015 ballot, Bob seconded all in favor.**

All definitions will go to ballot as amended through the public hearing process.

Peter made a motion to close the public hearing, Kate seconded with all in favor.

#### **Driveway Permits-**

NONE

#### **New Business:**

##### **Storm Water Ordinance: review of revised leaner document**

The board walked through which Option they would like to implement.

Joan Skewes sent an email comment to the board with questions on the process; she would like to see Option B for the town which would put the storm water into the Subdivision and Site Plan Review Regulations and would be a vote of the Planning Board at a Public Hearing. She is concerned that the general public will not understand what the board is trying to accomplish with managing storm water through this ordinance. Joan explained that the board is looking to use the updated storm water flow information. There is also a Storm Water Best Management Practices Informational Booklet that will be available at the Town Hall and will also be available on the Town Website. Mrs. Skewes also questioned that in a subdivision situation maintaining the structures would be the town's responsibility and she wanted to know if the Road Manager is currently maintaining those. The board will find out from David Buxton the Road Manager the status of the subdivision water management, and if they are being maintained. Peter explained that it is the Town's responsibility, but is unaware of the current process. Kate explained that even if this is adopted there will be some sort of storm water management that someone will have to maintain. Bob Gustafson commented that as the levels of storm water increase is there active policy to manage swales, holding ponds, or any of those kind of instances. Peter commented that the idea is to have the storm water handled before that point, or up stream. The board has talked about rain barrels being used on individual lots. Bob explained that the enforcement on these ordinances is the issue.

Joan asked what the board thought about the options. Bob Gustafson asked if the intent of Option A being an ordinance for the town to be able to enforce things that aren't compliant. Option B to him sounds more like a planning document and how do you maintain it afterwards. Joan explained that they are looking at people making alterations to their existing property and creating impervious surfaces. Part of the issue is how big an impervious surface is. This is so that your neighbor doesn't put in something that results in more water flowing onto your property. It is their property, and they can do what they want, but they need to make it so that they are containing all of the storm water on their property. Peter explained that it is not just that you create impervious surfaces; it is for the grading projects, or making improvements to your property, where you have created accelerating surfaces not just impervious ones; even if they are unintentionally created.

Bob Solomon asked if it is clear within the wording that if you have existing conditions you would be grandfathered in and are not responsible to improve those existing conditions. Peter explained that at this point that is correct it would be for new things people would be doing to their property that is a substantive change. Does it say that in the wording? This is not going in now, so once it goes in there can be a brief explanation at the beginning that would define the grandfathered status. Sydnee asked if there could be some kind of explanation, and would they come before the Planning Board. Joan explained that is what they are trying to figure out now and once you add to the impervious soil this would be triggered. Sydnee asked if the Driveways would be included in this process. It might be, but Kate explained that a gravel driveway and a paved driveway are not that different. The thresholds have not been set yet, so that would need to be set first to determine the trigger. Option A would be an Ordinance that would go before the town for vote, and Option B would be a regulation that the planning board can adjust with a public hearing. Sydnee asked that if her neighbor was to make a change, and all this water came onto her property would

that be able to be enforced. Kate explained that is legally a problem now, you are not supposed to dump water onto your neighbor's property by any means. Joan explained that there would be some workshops to help people to see what the board is trying to accomplish. Jim asked if it will be in the zoning book either way. Yes, it would be in the book. Joan want to make sure that it is eventually for everyone. Peter explained that before it is an ordinance it should be nailed down. Glenn explained that once it is an ordinance the people have to come to the town now with their issues. It now gets the town involved; he thinks that it puts a lot of stress on the town with legal fees. Bob explained that it sounds like we are not structured to have this as an ordinance. He explained that it will not get used in the subdivisions, and the board won't get any experience. Sydnee asked if an alteration would trigger this with the new definition of alteration. It looks as if it would, if it was a home improvement to a special exception.

Julie LaBranche arrived at 8:30pm.

Joan explained that if someone builds a new home there is not a site plan review would that trigger it. Julie explained you would have to attach it to the building permit. That would go with the Homeowners Guide to Storm Water Management. The board asked Mark Sikorski what he thought of attaching this to the building permit process. He agreed that would be a good thing, and a checklist could be added to the permit for the applicants so that they would know what is needed. He generally looks for wetlands and setbacks, so if a list is before the applicant they will know what will be looked at before they file the application. Sydnee asked how the homeowner would know if they have wetlands. Mark agreed that not everyone knows if they have wetlands on their property. Sydnee asked if there is a link for people to be able to look these wetland maps up. Mark explained that he uses the Land Use Map, it is easy to use. Kathy asked if that should be tagged on the Building Permit page, and Mark would like that so Kathy will ask Lynne to add that to the website. Sydnee explained that vernal pools are not indicated on the Land Use Map, and they are very hard to identify if you don't know what you are looking at. In the ordinance it does state vernal pools and that is hard to regulate, there are no real regulations to regulate the vernal pools. Kate expressed that it should still be in the wording. Sydnee would like to see the vernal pools mapped in town at some time. Julie explained that it is an extensive public outreach and it is hard to get access to private property to map the vernal pools.

Sydnee asked the board to look at the wetland buffers again, in reference to the setbacks. The state now has a 300 foot buffer for rivers. She knows at the road widths are an issue in town, and she thinks that they are particularly wide because of the emergency vehicles. She would like to know if there is a way to lessen the width. The board discussed the current road width, and will look into that. Sydnee expressed that in the Storm Water Regulation there is a section that states that if you have more than 40% of wetlands you are exempt from certain criteria because of the makeup of your lot. Joan explained that it may be a possibility, not a certainty. Peter explained that Lowe's is an example of a large scale of impervious surface and they did a good job of managing the storm water. Julie explained that Kensington doesn't have many places that this would apply; but this is more for urban areas. This was added to make the option more flexible. Julie would recommend changing the percentage from 50 to 100% on page 7i, under Option A.

Sydnee would like to know what the board it looking at for an overlay district. Joan doesn't think that the board needs an overlay district. This is still a rough draft of the storm water. Julie just clarified that the board should add the more accurate data. So that the storm water management is designed to be able to keep up to date with the current data. Sydnee and Bob left the meeting at 8:55pm.

### **Felch Pit Inspection:**

The board reviewed the submission from Christian Smith on the Felch Pit on Amesbury Road. Peter explained that he read the report and saw that Christian commented that there needs to be an improvement in the gravel on the access way to Route 150 (Amesbury Road), to minimize any potential for drawing onto the road. The board questioned the horse stall waste stored on site. Joan asked who the authority is to tell them what to do. The planning board is the overseers of the Gravel Pits, so they will comment on this. Kate explained that the board has written letters before. Joan would like a letter drafted to address the accumulation of sediment at the entrance. There should be crushed stone added to area to keep from tracking onto the roadway. Julie explained that storm water flows from the driveway when it rains really hard. It is supposed to go down the driveway and under it. She explained that on the left side of the driveway water comes out onto the road. Peter explained that it is the opposite side from the catch basin. Joan asked to add that the Felch's look into maintaining the other side of the roadway to prevent run off into the road.

**OLD BUSINESS:****MOU with State- SIGNATURES-**

The board passed around the original MOU and Joan signed as Co-Chairman. The board has been working with the town on this for close to a year. The Selectmen signed at their last meeting. Kathy will forward to the State.

**OTHER BUSINESS:****Retaining Walls-**

Joan wanted to discuss the retaining walls because the question was raised at a recent Selectmen's meeting. The board discussed the engineering of them, and when the town would be involved with overseeing them. Kate explained that it should have fallen under some sort of permitting process. Bob asked where you would draw the line between landscaping and permitting. Peter explained that looking at the installation instructions and what they require would be a good key to landowners. Kate explained that once it gets to a certain height, it will need to be stamped by a structural engineer. Peter stated that the board should look at the definition of structure, and then look at how to define it so that the landowner would go to the building inspector for a permit, for anything over 4 feet in height. Bob asked if this is only when the wall is more than 4 feet, and the board explained that would be the case.

The current definition of structure excludes retaining walls. Julie explained that the definition of structure needs to be changed to include them, and that there is time to do the definition for this year.

Glenn didn't think that the board had enough discussion on this definition.

**Current Definition of Structure:**

<b>Structure</b>	anything constructed or erected on or in the ground or in the water or an attachment to something having a fixed location on the ground, such as buildings, permanent or temporary, signs, carports, porches, swimming pools and other building features, including communication towers and antennas, but not including sidewalks, fences, driveways, septic systems, boundary markers, field or garden walls or embankment, retaining walls, land drainage, sediment and erosion control structure. (Added 03/13/2001)
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**Amended definition of Structure for Public Hearing:**

<b>Structure</b>	Anything constructed or erected on or in the ground or in the water or an attachment to something having a fixed location on the ground. <del>Such as</del> Structures include permanent or temporary buildings, permanent or temporary, signs, carports, porches, swimming pools and other building features, <del>including</del> communication towers and antennas, <del>and</del> field or garden walls or embankments; retaining walls four (4) feet or greater. Structures do not include <del>ing</del> sidewalks, fences, driveways, septic systems, boundary markers, field or garden walls and embankments; retaining walls less than four (4) feet, land drainage, sediment and erosion control structure.
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Julie explained that ~~they will need to~~ the proposed new and revised definitions should reference the new recodification and where the definitions are listed within that publication. Joan asked what the process of the acceptance of the recodification would be. Julie suggested that ~~in the~~ Planning Board hold a January Public Hearing ~~there should be an to~~ officially acceptance of the zoning recodification, followed by a second public hearing to approve the new and revised definitions ~~for a warrant article referenced in the public hearing where the definitions are going to be in the new zoning.~~

Kate made a motion to accept the change to the definition of structure for the public hearing on January 20<sup>th</sup>. Peter seconded, and most in favor. Glenn and Bob against.

**Regional Master Plan:**

Regional Master Plan is out for publication and the chairman was supposed to get a cd. There are some interesting facts in it. It is a public document, and important when grants are being applied for. Julie explained that it is a plan for the region and federal and state partners. They will be revising the chapters next month and they will go out for public comment.

**Approval of NOVEMBER 18, 2014 meeting minutes.**

***Joan talked to Harold on the phone no emails were sent. Jim storm water ordinance- Typo last word is put into ordinance "through not threw".  
Jim motion to accept the minutes, Kate seconded all in favor; one abstaining.***

**Public Hearing on the Recodification of the Zoning Book**

The board discussed the zoning recodification and will vote on it in January. Julie explained the difference between the titles of the Ordinances and Regulations. The change is when you get to the Land Use Regulations. The Site Plan and the Subdivision Regulations operate separately, and are very specific. They are treated as separate documents, and the purpose is very specific. They need to be thought of separately. The updated version will be handed out on the 20<sup>th</sup> of January. The zoning should be one color, the site plan and subdivision regulations are different colors. Julie liked the layout of the book. This is the Zoning Ordinance and Land Use Regulations for Kensington.

**Kate made a motion to send the recodification to the January 20<sup>th</sup> Public Hearing; Jim seconded, with all in favor. The alternate date for the Public Hearing will be the 22<sup>nd</sup> of January.**

**Peter gave an update:**

The Town Hall is up and running and the building is very dry. The Police Department is ready to move into the trailers behind the Town Hall. There is electricity and heat, the handicap ramp is getting installed, the heat tape melted the plastic line, but is being fixed. There is now a thermostat installed with the heat tape. The Selectmen are looking to have the Police Department moved into the new building by the end of the year and the Department of Labor will be doing a walk through the beginning of January.

**Next Meeting –JANUARY 20, 2014; Inclement Weather January 22, 2014**

**Glenn made a motion to adjourn; seconded by Jim 9:49 pm, all in favor.**

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk