

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
TUESDAY, MARCH 17, 2015
7:30 PM
MEETING MINUTES-*Approved 4-21-2015***

In Attendance: Joan Whitney; Kate Mignone; Bob Solomon; Jim Thompson; Michael Schwotzer, Alt.; Julie LaBranche, Rockingham Planning Commission Representative

Joan opened the meeting at 7:32pm.

New Business:

Expiring terms have been sent to the Selectmen for 3 year reappointments:

- Michael Schwotzer, ALT. – accepted
- Jim Thompson, member - accepted
- Bob Solomon, member - accepted

The board discussed who would be chairman. **Mike made a motion for Jim Thompson to be Chairman for the next year, and Joan Whitney to be Vice Chairman; Seconded by Kate; all in favor.**

Telecommunications- Application process

Julie and Kathy have been getting some inquiries on a new cell tower in Kensington. They passed out information on the time clock that starts once an application is submitted.

Julie explained that once an application comes in:

- Every page of the application should be date and time stamped.
- Once accepted by planning staff it starts the 30 day completeness review.
- Individuals should be authorized to start the process and get application to our town engineer; or 30 day completeness review designee.
- Any additional information needs to be requested within the 30 day period
- There is also 150 day shot clock that starts from the submission time, this is the time limit for the board to approve or disapprove the application, but it does not start until the request for any additional information has been provided to the board.

Julie explained that in a lot of these applications there is a need for cisterns, or wells for fire suppression in the buildings that are constructed to house small generators. The board looked at their regulations that deemed telecommunication towers are only allowed in the commercial district. Kathy expressed that in the conversations that she has had with the company, it seemed that they would be going to the ZBA for a special exception for this use in a residential/agricultural zone.

Julie explained that the Town Engineer would be looking at this regulation when they do the 30 day completeness review. Kathy asked if the applicant can submit the applications at the same time, and Julie said that is allowed. Bob asked if they planning board can request information after the 30 day completeness review, and it was explained that they can, but the applicant does not have to provide it.

Mike commented that the ZBA could continue the application pending the completion of the 30 day completeness review, if the board needed that information. Julie indicated that it would be good to have the town engineer on hand to answer questions on behalf of the town.

Mike asked if the law change negates the town regulation, and Julie said that the town regulations are still good it just changed the time frames and the 30 day review period, where you can ask for additional information. Kate asked if Christian is comfortable dealing with the 30 day completeness review and Kathy explained that she and Julie have had emails back and forth with Christian and he is comfortable with this process. Julie stated with the time constraints, it would be a good idea to preauthorize the town engineer to complete the review.

Mike made a motion to have the Chairman authorize the Town Engineer to review any application for a Cell Tower for completeness without further action of this board, Jim seconded, all in favor.

Julie asked if the town has a policy to establish and escrow account at the time of the application to cover the engineers review. Joan would like to see the money collected upfront for the fees. The board would like Kathy to find out what Christian will charge for the review and that can be put aside for the engineering review. Julie suggested making that change to the site plan regulations. Julie will get the board some sample wording from other towns. Julie explained that because of the 30 day review the board would be justified for not having it in the regulations, because it is a federal requirement for the review.

Mike made a motion as required by the FAA regulations for review of completeness by the town engineer that a reasonable fee be required at the time of the application, to be escrowed for the engineering review. Kate seconded, all in favor.

Julie explained that if there is more information needed then the board can request it, but it has to be reasonable.

The board looked at a sample telecommunications application that is specific to telecommunications, and has more information than the current site plan review application. The board would like Christian to review the sample. Julie explained that you can accept the application tonight, but it is better to do it in a public hearing.

Mike made a motion to institute the Application for Telecommunications Antenna or Facility effective immediately; Jim seconded, all in favor.

Joan moved that the board have a public hearing at the next meeting to apply the Application for Telecommunications Antenna or Facility and that a reasonable fee is required at the time of the application, to be escrowed for the engineering review to the regulations. Mike seconded; discussion, Bob asked where this would fit, it will be added to the regulations. ***All in favor.***

Julie informed the board of the regulation on the additional notification needed on these applications. She stated that it is a 20 mile radius and would go into Amesbury. The planning board will need to publically notice the meeting in all abutting town's local newspapers.

Joan asked about escrowing funds for the removal of the tower. She explained that if the tower is up for 10-20 years and the tower owner is not around, what is the responsibility for the property owner. The board discussed options, one being to have money put into escrow for the removal of the towers when they become abandoned.

Joan asked if the board would have the authority to have a bond on an abandoned tower until it was fully removed. Julie read from the RSA's that the town can have a bond in place once a tower is abandoned, and in our zoning it says that one can be assessed for the life of the tower. The board would like to ask Christian if he could give a ballpark quote on the cost of the removal of a tower. Julie explained that there are all kinds of other issues, like removal of the generator, and the inflation of the cost of the removal, and roads created for the tower use only. The board also would like projected costs for removal.

Mike explained that in the site plan review section it states that the only two forms of bonding is allowed, an irrevocable letter of credit and a certified check, insurance is not acceptable.

Julie also explained that there should be a letter stating the arrangement between the two parties and an easement for the site. The original deed should accompany the application as well to prove ownership. There sometimes is an easement needed for the storm water management as well. There board will discuss this further next meeting at the public hearing.

OLD BUSINESS:

Crafting of the Storm Water Ordinance.

Julie brought copies of a sample Storm Water Ordinance to review with the board. This sample is based on the Southeast Water Shed Alliance model as a basis, but she has simplified it. The board had questioned what the thresholds should be, and where this would come into effect. In the last model in section A, it suggested to have and triggers at 5,000 square feet and less than 100,000 square feet, which would be the threshold for the alteration of terrain permit issued by the state. Then it talked about disturbing 2500 square feet within 100 feet of surface water. This was simplified by stating the threshold trigger at disturbing more than 5,000 square feet; or disturbs more than 2,500 square feet with 100 feet of surface water. It was thought to include all applications even if they have to get an alteration of terrain permit, because this permit includes things that the State alteration of terrain permit does not.

There were a few other adjustments made to make the wording simpler and cleaner.

The board went through the example and suggestions and will work on questions/comments for the next meeting. Joan would like to have this implemented in the regulations within the next two meetings, with a public hearing in May 2015.

Regulations for Plug-in Areas for Electric Cars-

Joan got information together for the board on the electric car plug-ins. She talked to Paul at the State and he had a lot of information to share. There are examples from across the nation from other communities, none the size of Kensington. She would like the board to think about the following:

- Definition
- Signage- size; restrictive parking; time
- Outdoor lighting
- Who will fine; tow cars; who is responsible for enforcement
- Address the home use separate from the commercial use
- Already approved commercial; would it be change in use
- Is it considered a structure or appliance

Currently the plug-ins were not controlled where they were located, residential or commercial. Would it be an accessory use or residential improvement? Payment on them should be in keeping with the electric rates.

Bob asked if this pertains to someone putting one in their garage. Joan stated that they should be permitted and looked at during installation. Bob explained that it should be just an electrical permit for the plug in a home. Jim thought that this was just for commercial use not residential.

Joan indicated that the state is doing grants right now for businesses to install these. Julie stated that you could make it a requirement for commercial approvals to come in under the site plan review section of zoning. Joan would like the board to answer questions and let her know their thoughts.

OTHER BUSINESS:

Approval of FEBRUARY 17, 2015 meeting minutes.

***Motion to approve the minutes by Jim, seconded by Kate, all in favor.
Bob abstained.***

Kathy showed the board SB146, which states that Accessory Dwellings will be allowed within the single dwelling areas of towns. Mark the Building inspector presented the legislation at the Selectmen's meeting the night before and stated that it has a good chance at passing.

The board discussed new legislation, and will keep an eye on it.

Next Meeting –APRIL 21, 2015

Public Hearing for Telecommunications Application and review fees.

Motion to adjourn was made by Mike at 9:25pm; seconded by Jim; all in favor.

Respectfully Submitted,

Kathleen T Felch
Planning Board Clerk