

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
TUESDAY, MAY 19, 2015
7:30 PM**

Meeting Minutes-Approved 6-16-2015

In Attendance:

**Jim Thompson, Chairman; Joan Whitney, Vice Chairman; Bob Solomon;
Peter Merrill, Selectmen's Representative; Julie LaBranche, RPC
Representative; Kate Mignone; Glenn Ritter**

Public: Susan and Shane Cassell

Jim called the meeting to order at 7:35pm.

New Business:

Consult with CASSELL- Wood Operation Questions

The Cassell's came in front of the board to discuss a possible Wood Processing Business.

Mrs. Cassell explained that her 16 year old son was cutting and splitting and maybe opening up his own business. Mrs. Cassell was told that lumbering was not part of the Agricultural RSA, but it does state:

RSA 21:34-a Farm, Agriculture, Farming.

(4) Forestry or lumbering operations.

She is calling the forestry departments and trying to get clarification. She asked the board if they had any information on the RSA. Bob stated that the issue would be where is the wood sourced from? If the wood was taken 100% from the Cassell's property, Bob believes that would be an agricultural use. If the wood is trucked in it would constitute a commercial use. Peter explained that they need to quantify what is on the property and what is coming onto the property. Mrs. Cassell asked if they wanted to bring in three grapple loads of wood with the intent to sell what would that be considered. Peter explained that would equal about 25-30 cords of wood, and if that is coming from offsite, and there is not 50% of the wood coming from the property it would be a commercial venture. Bob explained that this is just a consult, and is not an official stance of the planning board. He asked where they were located in town and they are on Muddy Pond Road which is residential/agricultural. The board explained that in order for them to operate a business in that area they would need to see the Zoning Board of Adjustment for a Special Exception for a Commercial Business within the residential/agricultural zone. The Cassell's indicated that this use might have a time limit on it since their son will be going to college, and if he does do they still have to do the process for a short time. The board explained that a special exception will stay with the property, regardless of the length of time the business operates. Mrs. Cassell's brought up the Grover property down the street, and the board explained that use was in operation before zoning in the Town. Peter encouraged the Cassell's to approach the wood delivery person and see if the splitting can be done on his property, where there is a time limit to the venture. Bob explained that the next step through the town would be to go to the Zoning Board of adjustment and request the special exception. The Cassell's appreciated the boards' feedback and suggestions.

Bob explained that once the Cassells obtained the special exception they would then have to come back before the planning board for a site plan review.

Which would include: where the wood would be processed; where the wood would be stored; where the chainsaw would operate; and the scope would be defined; how many people working there; the hours and decibels. Julie explained that there are costs for both of the applications, and that an Intent to Cut would need to be filed as well for cutting on their property, if it exceeded a certain amount.

The Cassell's thanked the board for their information.

Letter to Board- James Webber- consideration of the board to reduce acreage or lots and frontage to allow for lower income housing.

Jim explained that the letter was sent to the board in order for them to look at the zoning in the town. Kate explained that if you adjust the acres there are other issues that will come up. An average vacant lot in Kensington is \$150,000. If they lowered the acreage, developers/owners would be able to put a larger home on a smaller lot. Bob explained that if there are not controls, like in the work force housing the

developer is not going to pass the cost savings onto the buyer. Kate explained as well that in other communities you have public sewer and water that would be able to lower costs. Bob thought that workforce housing would be the solution, and then in reading the ordinance he was disappointed to see that we just offer this option in the commercial zone. Kate explained that the enrollment in Kensington has decreased because of the recession and people not having children, and this was country wide. Also, the town report does not include all of the children born

The board discussed if the current ordinance will still do what the board wanted it to do. The board deliberated about different issues. It was discussed that developers will look at the ordinances and not ask for waivers, they will see the need for one and go elsewhere. If the lots were decreased in size then the setbacks would really limit the size of the homes that could be built. The new accessory dwelling unit that is being proposed in the legislation now will be something for the board to watch. Kate expressed that it not only is the cost of the homes, but the property taxes in the town that people can't afford. Jim asked if a letter should be drafted to Mr. Webber.

Peter explained that after careful and through consideration the board looked into this issue and for the time being the town's workforce housing is the best that the town currently has to offer. The board is ready and willing to look at the workforce housing regulations again. They do not believe at this time that reducing the acreage to one acre and frontage to 150 feet will reach the desired effect.

OLD BUSINESS:

Letter to board about regulation:

The board was given an email that had been referred to them from the Board of Selectmen. The resident was questioning removing an existing home. The board answered the email and it will be sent back to the resident.

Crafting of the Storm Water-

Julie had updates and new versions of the ordinance ready for the board. The board liked the changes and discussed where to put the changes into the Site Plan Review and Subdivision Regulations. Julie will email the version to Kathleen. The board will hold a public hearing to adopt the regulations. **Joan moved to have the public hearing to place the wording into the regulations, Kate seconded, all in favor.** Jim questioned where to insert the wording. Peter explained that there will be a new 4.7. On page 52 erosion will be deleted and f becomes e. Kate and Julie will look into the most recent data. The public hearing will be postponed so that both sections can be updated at the same time. **Joan rescinded the motion, Kate seconded all in favor.**

Regulations for Plug-in Areas for Electric Cars-

Julie saw a great example of a charging station. She was in Freeport, Maine, and the charging station was incorporated within a lamp post. The sign was attached to the lamp post and it was well lit. It was a great design. She will look into other examples, and report back to the board. The board questioned whether the lamp post ran off of 220 or 110. Bob explained that there are maps to see where charging stations are. Joan explained that she thought that the board was okay with not putting it in the regulations at this point. Julie will prepare some information so if someone comes in with a question of one the board will have examples to distribute. Jim brought up that that the board thought it could be added under permitted uses in the Commercial Zone. It would be the next letter to add charging stations. Kate explained that the board was thinking that they would not want residential homes installing charging stations. The board will revisit this in October for a public hearing. The ordinance change will then go before the town to be voted on.

Waivers:

Julie had a question about something that the town has in zoning. On page 48 in the Subdivision Regulations she noticed there are not any clauses or granting of waivers. There are waivers under the ordinance section that should be in the regulations. Site Plan and Subdivision regulations are where the board would grant a waiver, not in the ordinances. It should be its own section. The applicant requests a waiver and the planning board would request certain information. Under the RSA there is specific language that should be updated. They would have to meet the two conditions, much like the conditions of the variance through the Zoning Board. RSA 674:44 states that it is the applicant's responsibility to prove that they need the waiver. Even though the town does not have the waiver in the regulations, they would

refer to the RSA. It should read that it would be the board waiving some measure of a standard, or a relief from a measure of a standard. (Ex. If someone was to ask for a waiver on road length and it was 1000 feet, and they wanted to make a road 1025, they would be asking for 25 feet of relief) This could be language that could be done with the storm water regulations public hearing. Waivers are submitted in writing now and that could be added to the language.

Small Grants Program:

There was some mail addressed to the board that informed them of the small grants program with a list of ideas. The board does not have anything to submit at this time. Joan asked Julie to look at our wetlands setbacks to see if they are adequate. Julie can write the grants as well. She explained that the deadline is June 5th, and she did not think that the board has any issues.

Jim read a letter from Lynne Monroe thanking the board for their support. The board appreciated the email thanking them.

OTHER BUSINESS:***Approval of APRIL 21, 2015 meeting minutes.***

Joan had a comment about section- Marijuana regulations, it was Marijuana distribution centers.

Joan explained that Newton was approached for a growth center, and wanted the board to be aware. **Joan moved to accept with the change, Peter seconded, all in favor.**

Rockingham Planning Commission Representative:

Joan asked about the reappointment to the Rockingham Planning Commission, Peter informed her that the Board of Selectmen appointed both of them at their last meeting. She can go in and get sworn in anytime now.

Selectmen Comments:

Peter shared that that the Selectmen got a letter for the wetlands bureau on Peter Kugel Map 7 Lot 11, but that it does not mean that the pit has been remediated, only that the wetlands that were affected when the driveway was put in off of North Road were handled correctly. The Board is going to send a letter to Ridgely Mauck and see when he is available to come out and walk the site with Peter. They will walk the site to verify that the pit area off of North Road is effectively remediated.

**Next Meeting –June 16, 2015
Lot Line Adjustment-Kensington Leadership Trust**

Peter made a motion to adjourn at 9:33pm, Bob seconded all in favor.

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk