

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
TUESDAY,
June 16, 2015
7:30 PM
Meeting Minutes-Approved 8-18-2015**

In Attendance: Jim Thompson, Chairman, Peter Merrill, Selectmen's Representative, Joan Whitney, Vice Chairman, Kate Mignone, Julie LaBranche, Rockingham Planning Commission Representative.

Other visitors: Bruce Cilley, Sally Desrosiers, Susan Goodwin, Greg Chalpwanski; other public present.

Jim called the meeting to order at 7:32pm, and read the public hearing notice.

Joan Whitney recused from the board because she is an abutter to the Lot Line Adjustment being presented.

New Business:

PUBLIC HEARING

The Kensington Planning Board will hold a Public Hearing to hear and vote on the following application at the Kensington Elementary School Library at 7:30pm on Tuesday June 16th, 2015:

Application for a Lot Line Adjustment for Kensington Investment Co., at 165 South Road, M4 L17, and Kensington Investment Co. at 157 South Road, M 4 L14; they are proposing to add 9.257 acres to the M4 L17 parcel and take 9.257 acres from M4 L14. This will allow M4 L17 to contain 39.376 acres, M4 L14 to have 2.036. These adjustments are in accordance with Chapter III, Article 3.1 F1 for minor lot line adjustments.

Jim asked Bruce to come forward and explain the plan to all those present. Bob questioned if the lot needed to have a soils based lot sizing, as stated in Section 3.2.2B3b of the current zoning book.

Joan asked if there could be an easement for the front property so that the State will make the driveway as one exit and for it to be attached to the plan and deed for future reference.

Mr. Cilley explained that the plan contained a sliver piece for that purpose, because of what the state had told him. They want to have some frontage on the state road, and they were unable to go wider because of the well location.

Julie had questions about the notes section on the plan. She suggested striking wording on note 1 and adding the parcel location, and adding the parcel location to note 2. That would clarify the notes.

Mr. Cilley asked if the soils information was new, in past lot line adjustments he has not been asked to identify the soils. Julie asked the age of the septic, and Mr. Cilley explained that it was inspected as part of the purchase agreement. The board went through the Boundary Line checklist.

Bob stated his concerns about the size of the lot and the need for the soils to be determined.

Peter explained that would not be needed because the time to explore that would be in the building permitting phase.

Kate viewed the soils map, and stated that it did not look terrible in the project area.

Peter made a motion to accept the Lot Line Adjustment as presented. Kate seconded with the amended notes section; as discussed. All in favor. Conditions: Certification of Monumentation and notes on the plan adjusted.

Joan rejoined the board at 7:55pm

Gleason Property: Map 6 Lot 41
6 Lamprey Road- *Consultation Only*

Jeff Gleason approached the board and asked for their suggestions on the lot and what he would like to do with it.

Mr. Gleason had gone for a building permit and the Board of Selectmen denied the permit. The parcel has two dwellings on it and the mobile home was grandfathered in previous meetings of the Board of Selectmen. The board reviewed all of the information and discussed a number of options with Mr. Gleason.

Peter explained that the grandfathered status would have to be replaced with like and kind and if the space is expanded it would not be a grandfathered situation. That was the Board of Selectmen's view of the building permit.

Peter explained that in the old meeting minutes it stated that the home was to be removed at a later time. He would like the context of that statement to be reviewed.

The board asked about the lot lines to see where the actual mobile home is. Mr. Gleason explained that the current mobile home would be all within the setbacks. Joan reviewed the assessment card that stated the house out front was built in 1997 with 3 bedrooms, and the mobile home has 3 bedrooms as well. Mr. Gleason explained that the house that was there was a bungalow and he expanded the original home and went up a story with it. Joan asked if anyone was living in the mobile at the time of the construction. Mr. Gleason explained that there are two septic tanks with 1000 gallon dry well for each, so the septic is adequate for the structures. Joan explained that they could be grandfathered. Mr. Gleason explained that the lot was valued high because of the separate dwelling. Joan explained that is what the assessing company's do they record what they see, but that does not make it legal. He referred back to the meeting minutes which stated, "Donna Carter presented documents showing that the septic had been upgraded in April of 1996 for 4 bedrooms." Peter pointed out that there are 6 bedrooms on a 4 bedroom septic at this time. Mr. Gleason explained that the plans for the original home are not available, and what if he shrunk down the size of the apartment to one bedroom, so they will be at 4 bedrooms again. He asked why he cannot put added space above the garage if he stays within the footprint. Peter gave an example that if there was 780 square feet, and you added a garage and went up a story it would then not be grandfathered anymore, because you are increasing the space. In a grandfathered situation it is replacing with like and kind. Mr. Gleason asked about stilts, and having the living area above.

Julie explained that the situation is that he has two single family dwellings on one lot, which is not permitted in zoning and the idea of the non conformity is that eventually the non-conforming use with go away. Tearing it down and building a new one is just perpetuating the issue. Peter explained in the minutes provided to the board, his understanding was that Frank Felch had commented that the trailer would be going away. Not to be replaced.

Jim commented on the two drywells, he doesn't think that the state approves drywells anymore. Mr. Gleason explained where the tanks were located. Mr. Gleason said the health inspector came down and inspected it and put it in as a repair. Joan state that in 1996 everyone could repair in kind, now you need a design on file to be able to replace in kind.

Julie looked in the Town Zoning Ordinances and stated that it Article 7 of the Health Standards and it lays out some stringent requirements to improvements to septic systems. She pointed out that these standards were on the books when the decisions were made back then. Mr. Gleason asked who would have approved it back then. Jim explained that it should have been Department of Environmental Services.

Bob asked what they are questioning, the 4 bedroom system? Joan stated that the records don't indicate that a 3 bedroom mobile home was grandfathered, it indicates that a 2 bedroom mobile home, with a 2 bedroom house. She stated that what Mr. Gleason has and what he wants to do is not what was grandfathered. Bob stated that Mr. Gleason had asked that since he has a 3 bedroom home, could he have a 1 bedroom in the mobile.

Peter read the meeting minutes from the board of selectmen's citizen's forum from May 5, 2008 where Mr. Buxton stated, "The trailer on the Gleason property on 6 Lamprey Road was allowed to remain temporarily for hardship reasons for a relative only, after which it was to be removed due to nonconformance with zoning regulations. He has determined that the property is being advertised for sale, and the mobile home has not yet been removed, Mr. Buxton also noted that a business is conducted without zoning approval. The files are going to be researched and a discussion will take place next meeting." Peter stated that it gets back to non-conforming lots and looking for ways to make them more non-conforming. It is in everyone's best interest to see the non-conforming lots get closer to conforming rather than staying the same. A like in kind replacement is what should occur if it was a permanent grandfathering and not a temporary one. Mr. Gleason questioned the temporary grandfathering.

Peter explained that the word grandfathering was used when it should have been seen as a hardship, not a grandfathered situation.

Bob stated that it seemed that the board of selectmen were uncomfortable with the situation. Mr. Gleason informed the board he was given the option to keep the mobile home. Bob stated it was very ambiguous what the selectmen were thinking at that time. He doesn't see any indication that the board thought that it was temporary. Where did Dave Buxton get the information that it was temporary and is there other minutes out there? Mr. Gleason asked if Mr. Buxton was an official at that time, or just someone making a comment. The board stated that he could have been an official. Kate pointed out another meeting in May 19, 2008, and Julie read that "the selectmen stated that the documentation did not indicate this to be a temporary situation, thus it was determined to be grandfathered and no action would be taken by the board." Julie stated that they made a determination, so moving forward, and their determination would be that it was grandfathered. The zoning board will have to look through the zoning and make a determination. Peter does not see that it was a determination by counsel. Peter would like to ask Frank Felch to

come before the board. Julie stated that since it is so ambiguous the thing to do would be to recreate the record, by researching the old assessing cards to find out when this mobile home appeared on the records.

Peter says that the septic is what surprises him. Kate asked when the septic was designed. Peter stated that it is one thing to be upgraded but another to be illegal. Mr. Gleason explained that the health officer was involved. Joan stated that he would have to go to the ZBA and what he is proposing is not grandfathered. Mr. Gleason asked if he put in a garage what would that do with the setbacks. He was told that he would need to go to the ZBA for a variance if he was within the setbacks for the garage, because that would not be grandfathered, unless it was the exact shape and size of the existing mobile home. Jim asked why he could not move the building, if he is not looking to keep the additional dwelling he can put a garage, but would follow all new zoning. If he was to do a garage someplace else on the lot he would then lose the grandfathered status and would have to come before the zoning board of adjustment for a variance to section

3.2.2 *SPECIFIC REQUIREMENTS OF THE RESIDENTIAL – AGRICULTURAL DISTRICT*

A. *Restrictions*

1. *There shall be no more than one single-family dwelling or residence on a lot of record. (03/11/1980)*

Mr. Gleason asked if he was to replace the mobile home could he replace it with something newer same size everything. Peter explained if it is the same slab. And Julie explained it brings into question the board of selectmen's actions to approve 4 bedrooms total. There would be way more than 4 bedrooms, so you would have to demonstrate septic compliance.

Jim stated that he could add an addition attached to the original building, with just a bedroom, and garage under.

Mr. Gleason explained that he was hoping to do something, and appreciated that board took the time to discuss it with him. He has discovered that there are all kinds of things missing from the file, is there a way to recover this.

Kathy said that she can look through the old building records to see if there are any other files for this property.

Julie explained that if you did apply to the ZBA they would want a paper trail proving that this property is grandfathered and that they would be asking questions on the septic since that is part of the zoning.

Mr. Gleason asked if everything should be in the file, and Julie explained that the filing was very different back then. Julie explained that it would be a tough application, and need a very good reason. Jim stated that it was really not a planning board issue, but hoped that the board was a help.

Mr. Gleason thanked the board members for their thoughts.

Greg Chlapowski- 150&108 Junction- Map 17 Lot 22

Consultation on approved parking spaces.

Mr. Chlapowski showed the board the 1986 map for the property. There are 14 spaces that are not being used at this time. He explained that if he were to buy the property he would like to cut down some trees and move the parking spots and was asking what setbacks he would have. Peter explained that any structures would have to be 25 feet from the boundary lines. Kate asked if he would be removing parking spots, he explained that some of the parking spots now are grass. Joan explained that there is another plan out there that the board had looked at. Peter read on the plan that spaces 17-20 are not to be used for parking. Bob explained that this is a site plan from 1986 and is not sure of the validity since there have been site plans since then. It also states spaces 10-13 are to be used as a display area not a parking area. Mr. Chlapowski asked if Kathleen was able to find anything else. Joan stated that not all of the site plans were recorded. Kathy asked if they are legal if not recorded. There should be meeting minutes. Bob stated that this lot was grandfathered as a commercial lot. Kathy researched the registry during the meeting, and only one plan is recorded, which was the Lot Line Adjustment that was done in 2001. It was found out that the last site plan review that was done by the board was November 20, 2007, Kathy will look through minutes and see if there is a plan for this site plan review. Mr. Chlapowski asked if he could use gravel as parking spaces so that he could be closer to the boundary, the board indicated it depended upon the material used. Joan indicated that the last plan from 2007 had parking spaces depicted on it. Bob explained that what Mr. Chlapowski is asking for is guidance and the next step would be a site plan review. He is asking for guidance on the site plan review and what the board will need. Julie stated that if he had a copy of the most recent site plan he could manually draw in the parking spaces or he would need to have one done up by an engineer. Kathy is going to try to find the latest copy of the plan. Kate explained that the engineer would still have a copy of the plan. Bob suggested that if he can't find the plan you could use the plan that he has and have the engineer update it. Bob explained a few of the things that would be needed on the site plan which would include such things as: where bushes will be located, lighting, ingress and egress to the lot, anything that if you were a neighbor you would care about. Julie suggested that Kathy get him a copy of the site plan regulations. They explained that the next step would be a public hearing with the board. Julie offered to help with what is needed on the plan. Mr. Chlapowski thanked the board for the information.

OLD BUSINESS

Storm Water Ordinance-

Julie recently got an update to the storm water ordinance, and would like to look through the updates and changes and bring them before the board to see if they are interested in changes. She would like to bring them before the board in July and do a public hearing in August.

Electric Plug in Cars:

That will be added to the agenda in August.

Telecommunications Section:

Julie reminded that the board will need the updated regulation pages. Kathy asked if the application should be added as well, and it was suggested that be done.

Minor Lot Line Adjustments: Modified Procedures pg12

Some of the checklist might need to be changed to reflect what is needed. She suggested adding a specific application for just lot line adjustments, and that the checklist is clearer about what is required. One thing to add would be when you are creating a lot that has less than 5 acres you would have to provide information that there are permeable soils, and have some kind of note on the checklist. If the applicant could possibly prove that more than say 60% of the property was not wet, then they would not have to provide soils information, there should be a threshold. Julie will draft up something for the board for next meeting.

Non-Conforming Uses:

Julie did not find anything in the zoning that pertained to non-conforming lots. The only area she found them was in the Aquifer Protection area, and is not meant to cover all non-conforming uses. She would suggest putting something in the zoning about this for next year. Jim asked where this would be added. Establishment of districts and uses, or under the general section. She will research ordinances, and get language to the board. Bob asked if you get a variance, you are creating a non-conforming use? Julie stated yes, you would then have to keep getting variances, for that property.

OTHER BUSINESS:

Approval of May 19, 2015 meeting minutes.

Motion to approve by Glenn, seconded by Bob all in favor.

Cassell's-

Peter expressed that he would like to get a letter out to them notifying them that they are within the quarantine area. And hardwood cannot be taken out of the area. He would like to just inform them of this, because there is a fine involved if you take wood out of Rockingham County.

Kathy informed the board that she had talked to a logger earlier in the day and he was well aware of the quarantine and that the pulp wood is going to Brentwood, and that Rockingham has to bring wood to certified mills that have the ability to deal with the bugs.

Wet Land Setbacks:

Joan wanted to see if Julie could review the wet lands setbacks ,and bring something in for the board.

Meeting Locations:

Jim made a motion to move the Planning Board meetings to the Town Hall at 95 Amesbury Road, Joan seconded, all in favor.

Next Meeting –July 21, 2015

95 Amesbury Road

Motion to adjourn by Bob seconded by Kate, all in favor.

Respectfully Submitted,
Kathleen T Felch