

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON TOWN HALL
95 AMESBURY ROAD
TUESDAY,
SEPTEMBER 15, 2015
MEETING MINUTES-Approved 10-20-2015**

In Attendance: Jim Thompson, Chairman; Joan Whitney, Vice Chairman; Kate Mignone; Glenn Ritter; Bob Solomon; Julie LaBranche, Rockingham Planning Commission Representative;

Visitors: Bruce Cilley; KIC representative; Elaine Kaczmarek; Dan and Nancy Lowry; Michael Brunault.

Chairman Jim Thompson called the meeting to order at 7:38pm.
He read the following application to the board and public present.

NEW BUSINESS:

1. Application for a Site Plan Review for KIC 98 Amesbury Road, at 98 Amesbury Road, Map 11 Lot 13 for expansion of a grandfathered non-conforming commercial use. The proposal is to add a porch to the side of the building as well as relocating the universal access ramp. This change is in accordance with the Site Plan Review Regulations for approval of a revised site plan.

Mr. Cilley approached the board and showed the board the site plan and the proposed deck and ramp area located on the right side of the building, towards the parking lot area. Mr. Cilley explained that he is reworking the ramp area to be ADA compliant. The board asked if there were any other businesses in the building and Mr. Cilley explained that there were no other businesses than the Country Brook Restaurant, at this time.

Dan Lowry, an abutter, asked to see the plans and what was being added to the structure. Mr. Cilley explained the plan and where the decks were going to go to the abutters present.

Julie informed Mr. Cilley that he might have to seek Zoning Board of Adjustment approval for the expanded non-conforming use. The board discussed this and decided that since the regulations are unclear, Mr. Cilley did not have to seek that approval as well.

The board also brought up the suggestion to request that future site plan revisions be recorded at the registry of deeds so that there is clarity going forward on the properties that have Special Exceptions with adjusted site plan reviews. This was not required of Mr. Cilley.

The board reviewed the plan and asked what the porch would be used for, and if there would be serving there. The board would not be in favor of that area having a dining area. The current porch contains a picnic table that patrons sit at to drink their coffee, but they did not want to see anyone being served outside the building.

Joan made a motion to approve the application with a note added that the proposed porch does not have dining service. Bob seconded. Discussion followed.

Mr. Cilley asked for that to be defined. The board looked through the definitions and came to the conclusion that dining service seemed to cover what the board was refereeing to. They explained that they did not want to have waitresses serving patrons on the porch area. Joan stated that they are just trying to clarify the use for future reference and future owners.

Jim called the vote for the motion. **The board voted 4 for and 1 against. Application passes.**

Jim signed the approval form.

2. Application for a Lot Line Adjustment for Elaine Kaczmarek, Nancy M Heinlein, and Margaret A Prescott of 42 North Road; Map 15 Lot 8 and Elaine Kaczmarek of 44 North Road; Map 15 Lot 3 for a proposal to exchange 0.043 acres between the two lots to clarify the lot line. This will give Map 15 Lot 8 3.230 acres and Map 15 Lot 3 1.394 acres. This process is allowed per Subdivision Regulations Article III Section 3.2 G 1 for minor lot line adjustments.

Mrs. Kaczmarek explained that the division of the properties is very odd, and actually hits the barn. She is looking to adjust the land around the barn so that there is some land around the barn for future use. The board was happy with the lot line and that the surveyor did a good job. The line is now straight and will make the barn area of the lot more conforming.

The board went through the checklist.

Kate made a motion to accept the Lot Line Adjustment as presented, Bob seconded all in favor.

OLD BUSINESS

Storm Water Management

Julie provided the board with the storm water regulations sample. Some changes were made to the rainfall amounts to include the most current published data. Julie is going to look through the regulations to see if there is anything listed in the regulations on parking. She will bring forward the parking requirements with another document so that they are not just in the storm water management. The board went through the Site Plan Regulations and it will be added as a letter F. The operational maintenance plan should be recorded so that there is a clear definition of the property for future owners. Julie informed the board that Brentwood, East Kingston, and Exeter are a few of the towns that have already adopted these regulations. Julie and Kate will discuss if there are any examples that they can bring before the board to show them the difference where this regulation is added and areas where it wasn't. This regulation will not deal with snow storage areas. Julie presented the board with a list of Best Management Practices for storm water management. She suggested referring to the manuals list instead of adding them all to the regulations. Discussion will continue.

LLA Applications:

The board discussed the examples from other towns and like the list that Brentwood provided and East Kingston's brevity. Joan agreed that the board does get more Lot Line Adjustments applications than any others. Change the checklist name to Lot Line Adjustment. It will be a new 3.4 section. This will be integrated into the current section for minor lot line adjustments. Julie will work it through and bring back to the board for review.

Non-Conforming Uses Section to be added to zoning:

Does this include the Special Exceptions in the town? Joan believes that the non-conforming uses should seek zoning board approval before any expansion is done. Julie referred back to the Rye example that was passed out last meeting. There is a state statute for non-conforming uses RSA674:28, which deals with Interim Zoning Ordinances used for an example for the board. It is not clear that applicants need to go before the zoning board with these lots.

Julie will go through the sections from Rye and par it down for Kensington. Non-conforming uses in the residential district might cause problems down the road. There is not anything in the regulations to regulate the expansion of a non-conforming use. Non-Conforming uses should be section 3 and move all other sections down one. Any non-conforming use in the Aquifer District will have an expiration date if unused for 2 years. See the Aquifer Protection District Ordinance. Discussion will continue.

Wetland setbacks- look into see if the current ones are up to date-

Revision of definitions-will revisit next month.

OTHER BUSINESS:

Approval of August 18, 2015 meeting minutes:

Joan made a motion to approve minutes, Kate seconded, all in favor.

Next Meeting –October 20, 2015

Bob made a motion to adjourn at 9:44pm, Joan seconded all in favor.

Respectfully Submitted,

Kathleen T Felch,

Planning Board Clerk