

**KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
TUESDAY December 15, 2015
7:30 P.M. AT THE
KENSINGTON ELEMENTARY SCHOOL LIBRARY
122 Amesbury Road
Meeting Minutes- Approved 1-19-2016**

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

Jim opened the meeting at 7:33pm.
No public in attendance.

New Business:

Jim read the following proposal and asked Julie to explain to the changes to the board.

1. Proposed amendments to Land Use Regulations, Article III Subdivision Regulations, Section 3.2.G, Section 3.3.C and Section 3.3.D, and replace Section 3.2.T Modifications with Section 3.2.T Waivers and adding language from RSA 674:36.

Julie explained the amendment, and that the checklist had already been approved on November 17, 2015.

3.2T on page 16, existing text is struck and the new language is inserted. The waivers will be a new section.

Basis for any waiver shall be recorded by the board, and should be a majority vote. The request must meet either standard one or standard two within the section. It would allow the board to be more lenient in the regulation.

Planning board has used the criteria and the waiver requests usually fall within either of the two standards.

If a waiver is granted should it be noted on the plan, as well as the regulations at the time? A subdivision plat is vested for 5 years, so that new regulation changes will not apply to them. They will need to have already started the project and have substantial completions.

The lettering was incorrect at the last meeting and is now corrected, and is identical to the requirements that were put into the site plan review regulations. Julie pointed out that there is a change that states on page 26 and page 35 the wrong application is stated. Says site plan review and should be subdivision.

Bob moved that the board accept the proposed amendments to the subdivision regulations as presented.

Peter seconded, all in favor.

2. Proposed amendments to Land Use Regulations, Article III Site Plan Review Regulations by replacing Section 4.7 Special Exceptions with Section 4.7 Waivers and adding language from RSA 674:36.

The wrong article number was stated in the notice and will need to be re-noticed. **Kate made motion to close the section to re-notice for Article IV, Peter seconded, all in favor.**

Jim read the following to the board:

3. Proposed amendment to the Zoning Ordinance by adding a new Section 4.4 Non-Conforming Uses, Structures and Lots to Article IV General Standards.

Julie called Justin to clarify the letter addressed to the board. She does agree with the changes that he made to the section and he reiterated a lot of the same case law that exists on the non-conforming uses. The board went over the changes. They discussed the natural expansion that would be allowed or non substantial. There should be a memo drawn up that shows the steps so that everyone uses the same process. Once the building inspector says that someone can't do something there is a chance for appeal. Julie explained Natural Expansion as: a non- modern adjustments that are done, just to meet the current code. The board went through the suggested changes and agreed with them. Julie explained that some homework on what the non-conforming uses are now and what they might be expanded to in the future would be good to do now. If the lawful use was never lawful it can't be grandfathered. The boards should be aware of the history of the lots when making decisions. It was suggested to change the time periods to keep them consistent, the board discussed the differences.

Peter made a Motion to accept the modification made in A and the added section in C, Kate seconded all in favor.

Joan moves to re-notice and have a public hearing on the amendments made to Section, Kate seconded, all in favor.

Kate moves to close the public hearing, Bob seconded, all in favor.

OLD BUSINESS:

98 Amesbury Road-

The businesses there did pavement in an area that was already paved, and the back part is still gravel. Julie explained that there was a lot of excavation done. The building is in the residential zone, but not fully used for a residential use. Julie would like the property owner to know what their limitations on the property are. There would be a breakdown of the current area, and it is important for the board to know what is there, so that they are aware of changes made to the property.

Farm Stand-

Has two new electric charging stations and it was something that the board had been working on in previous meetings. There was an electric permit pulled for the installation of the charging stations. The board discussed where they are located locally.

OTHER BUSINESS:

Approval of November 17, 2015 meeting minutes.

Joan moves to approve the meeting minutes, Peter seconded, all in favor, Kate abstained.

Next Meeting –January 19, 2015-LLA

Peter made a motion to adjourn, seconded by Kate, all in favor.

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk