

KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
TUESDAY
January 19, 2016
7:30 P.M. AT THE
KENSINGTON ELEMENTARY SCHOOL LIBRARY
122 Amesbury Road
Meeting Minutes
APPROVED-FEBRUARY 16, 2016

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

Jim called the meeting to order at 7:31pm.

Public Hearing:

Pursuant to NH RSA 674:4, 675:6 and 675:7, notice is hereby given of a public hearing to be held by the Kensington Planning Board on Tuesday, January 19, 2016, beginning at 7:30 p.m. at the Kensington Elementary School Library, 122 Amesbury Road, Kensington, NH. The purpose of the hearing is the following:

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

Jim opened the public hearing and asked Julie to explain. Jim asked the public if there were any comments. No comments.

Joan moved to make the changes to the proposed land use regulations, Mike seconded. All in favor.

The changes will be added to the Land Use Regulations .

Jim went on to the next public hearing.

2. 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 explained that there was a definition taken out on Changes in Use that the board did not want within the new section. The town's attorney recommended some changes to the non-conforming use ordinance. The board had also adjusted the definition of Continuance, to contain the word lawful, so that non-conforming uses must comply to continue.

The attorney suggested the following change to the definition of expansion.

Expansion: Expansion of a non-conforming use or structure for a purpose or in a manner which is substantially different from the use to which it was put before the alteration is prohibited except by variance granted by the Zoning Board of Adjustment. The non-conforming use or structure, if granted a variance by the Zoning Board of Adjustment, may be physically extended, reconstructed, enlarged or structurally altered but only in conformity with the requirements of the zoning ordinance.

Mike asked if the last sentence would have applied to the business that was located on 107 because it was marketed. Julie explained that it in the definition Discontinuance the word physical maintenance was added to the marketing so that the business would be kept up, and another business could be started at any point.

Jim asked if there were any comments from the public.

Mike made the motion to have the proposed amendments and changes to ballot in March 8, 2016 Joan seconded, all in favor.

Consult- Jones and Beach- Lambert Project-Jonathan Ring

Jim explained that the following comments are non-binding and just for informational purposes. The lot is approximately 13.5 acres. Mr. Ring was appreciative of the board meeting with him tonight.

This plan is from Granite and shows the topo and they are proposing a subdivision of 6 lots.

Joan explained that there are some issues with the slope. There might be some issues with lot labeled #6 with the frontage and they might need to do an easement. Mike explained that if there is a viable use for the lot there may be a way to have lot #6 a viable lot. The board explained that on the plan you would have to show a potential point of entry for each lot. The frontage for lot #6 is divided with a lot of another owner in the middle of the frontage. In the regulations there is a stipulation that all lots should have width of 100 feet.

Julie asked the board, if because there is no road, would the board put conditions on the lots for the storm water management. They answered in the affirmative. There have been no test pits done yet on the lots. The surveyors will be flagging and locating them.

There might be some issues with the water draining towards Moulton Ridge Road. The board would address the concerns when the application is submitted.

Joan indicated that the new website for Rockingham Planning Commission will link the town maps to the town's data and will make things more user friendly.

OTHER BUSINESS:

Julie got a call from a resident and asked about a Wedding Venue and asked if it is allowable in the Residential/Agricultural district. There does not seem to be anything that would allow for that type of operation within the town's regulations. He will be coming into see Julie and discuss where, and what other towns might allow this type of venue. If agritourism is to be used, you would have to use and grow the things on the property. It has to be completely supported by the agricultural use. It was explained that there is a current lawsuit that addressed the wedding venue within agritourism and that it would not qualify.

Kate asked if the property off of 107 would still be allowed to operate as a vineyard. Because the expansion was a percentage, Peter thought that it was still allowed.

Peter expressed that the sale of the property should trigger the assessing company to visit the property and verify the use, not only the building permit process.

Intersection of 150 and 107

Joan explained that there are fewer traffic accidents due to the new Chief and his diligence in enforcing the area.

Farm Stand:

The board explained that there have been dinners held there, and there were tickets that you had to purchase. Julie explained that there is a place in Amesbury, that you can go to and cook and they have specialty dinners. Peter expressed that was not one of the things that was presented to the board. They do not seem to be following the site plan. The board explained that they should come back for a change in use if they are changing any of the approved uses of the property.

Does the board make a request to the facility and what are they doing. After concurring with the planning board they are requesting that the board of selectmen send out a notice and reference the approved uses for the property and have the owner respond and state whether they have expanded the uses or are still within the approved use of the property.

A number of board members have heard about the different events being held there.

It is a hazard if there is parking on one side of the street and walking across the road. If they are serving alcohol, they might not have a permit for it. They might need to obtain a liquor license.

Sawyer Park Permit:

There was also a request for a wedding to be held at Sawyer Park. The Board of Selectmen is looking into the permitting and if this is an allowed use.

This was brought up at the Selectmen's meeting last night, the board will also be looking into a checklist that will define what you will have to provide for information for certain requests. As well as if there are particular uses you can regulate.

Approval of December 15, 2015 meeting minutes.

Joan moves to accept the minutes with the change in names from in attendance, Kate seconded, all in favor.

Next Meeting –February 16, 2015

Motion to adjourn made by Mike, seconded by Bob, all in favor at

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk