

**KENSINGTON, NEW HAMPSHIRE  
KENSINGTON PLANNING BOARD  
TUESDAY  
May 17, 2016  
7:30 P.M. AT THE  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
122 Amesbury Road  
Meeting Minutes-approved June 21, 2016**

**In Attendance:** Jim Thompson, Chairman; Joan Whitney, Vice Chairman; Glenn Ritter; Bob Solomon; Julie LaBranche, Rockingham Planning Commission Representative; Peter Merrill, Selectmen's Representative

**Public in Attendance:** Representative for Lambert project-Jonathan Ring, Jones and Beach; Donna Woodbury; Denise Bernier; Martha Bernier; Monique Martell; Richard Martell; David Buxton, Road Manager; Leslie Hansard; Courtney Preneta; Donna Carter; Connie Sprauer; Hans Ruttihauser; Steve and Ann Smith; 18 guests total

Jim Thompson the Chairman called the meeting to order at 7:30pm.

**PUBLIC HEARINGS:**

**PUBLIC HEARING**

The Kensington Planning Board will hold a Public Hearing on Tuesday, May 17, 2016 at 7:30pm at the Kensington Elementary School Library, 122 Amesbury Road, to vote on the following:

1. Karen Monique Martell and Richard Martell, 285 North Haverhill Road, Kensington, NH 03833, Map 13 Lot 3, for an application to subdivide and create one new lot, in accordance with Article III, Section 3.2 of the Kensington Subdivision Regulations.

Jim read the above to all present. Karen presented the drawings to the board that contained the new information that the board needed. She also presented the board with a list of items that were needed according to the last meeting in April of 2016. Julie explained that Monique is on the agenda for the East Kingston Planning Board on Thursday May 19, 2016 for the lot line adjustment. Some points made about the application included:

- Labeling of the lots were incorrect on plan
- Two lots will need to be merged, and then subdivided
- The acreage should be adjusted to the correct amount for the lots
- One of the existing lots is non-conforming with respect to width and the proposed subdivision attempts to make this lot less non-conforming.
- Only irregularity of the plan is that the lots are not rectangular in shape
- Does not require a waiver request.
- Granite pins for the front of the lots and iron pins for sides and back, no height requirement for the pins was noted

Jim opened the public hearing to the public at 7:44pm. There were not any public comments about this project. Jim asked if everything was addressed from the last meeting and included on the plan. Test pit and data log was turned in, but the wet lands stamp is not included. The acreage should be 10.269. The wetlands stamp is to be on the plan, as well as the date that he did it. Kate noted that it was noted on the plan as number 6, but that he did not stamp the plan yet.

Monique should submit the application for the lot merger at the next meeting.

***Peter made a motion to continue the application until the June 21, 2016 meeting, Bob seconded all in favor.***

Jim opened the next application and read the following to the public in attendance.

2. Janet Trabucco and David Lambert of 19 Moulton Ridge Road, Map 11 Lot 41, on Tuesday, May 17, 2016 at 7:30 p.m. at the Kensington Elementary School Library to review and act upon a Six Lot Subdivision application. The intent is for the owners to subdivide a 13.9 acre lot into six lots.

Jonathan Ring, from Jones and Beach Engineers, the representative for the Lambert and Trabucco Subdivision, approached the board and explained the plans to all those present.

There is one existing home on the original lot and they are proposing to cut the 13.9 acres into 6 lots. Mr. Ring has no problems with Christian Smith's review of the project. There is one state subdivision approval needed for this project. The land is mostly open fields, with slopes to the East and West.

Leslie Hansard, 3 Moulton Ridge Road, wondered what the frontage was for lot 6. Mr. Ring explained that because of the stone walls the frontage is segmented.

Joan asked if there is a site problem with the driveway on site 6, Mr. Ring agreed that the driveway would be better located towards 150. Bob asked if there was any consideration of the site distance for the driveway on lot 5 because of the sharp curve. There were many comments from the abutters in attendance stating that the corner was a problem. Kate explained that the driveways are to the AASHTO standards. Kate would recommend that the police department go out and verify the site distance on the proposed Lot 5.

Courtney Preneta, 15 Hoosac Road, asked if the board could introduce themselves to everyone, and state what their roles are on the board. The board complied.

Donna Woodbury, 61 Amesbury Road, is very concerned about the trees on the back side of lot 6, which abuts her property. Mr. Ring didn't see of any reason for the trees on the property line to be taken down. They could put a note on the plan that the trees are not to be disturbed if the board requests it.

Hans Rutishauser, 51 Moulton Ridge Road. He has a question on lot 6, he proceeded to read the Lot Shape Regulation to the board from the regulations. He believes that lot 6 fails to comply with the regulation. That particular lot shape will encroach on the privacy of Map 11 Lot 39. The board determined that the segment that was read was an older version of the regulations posted online. They read the amended version to the public, which does not state the lot size.

Joan expressed that Map 11 Lot 39 is a smaller lot.

Steve Smith, Moulton Ridge Road, explained that on a scenic road you cannot remove trees or the rock walls. David Buxton clarified that the trees can be removed within the right of way by the road.

Leslie Hansard expressed the following concerns:

- If the towns regulations allow for frontage to be split
- Moulton Ridge Road is a scenic road and what are the regulations for them
- Lot 6 is wet, and there is natural drainage through that lot from Kensington Place.
- Erosion is considerable in the area now
- Designated as moderately well drained is listed on plan, that seems contrary to what actually happens in that area.
- Driveways will back the water up onto her property
- Safety of the driveway cut onto Moulton Ridge Road from lot 5

David Buxton, Road Manager, showed the flow of the water from Hoosac down onto Moulton Ridge Road. He showed the areas where the property naturally drains and the area of the road that has been washed out already due to the current watershed. He also has concerns with the impervious soil that will be increased due to the driveways, homes and drainage systems. His suggestion is to add some retention control areas. When the driveways are put in the rock walls

will not be able to be moved, due to the scenic road classification, which will cause a problem with the drainage. Kate explained that the town just adopted the Storm Water Standards to help to treat the storm water before it reaches the roadway.

Leslie Hansard, 3 Moulton Ridge Road, wanted to finish her points to the board. She stressed that there will be additional water run-off and would like it directed away from the property of 3 Moulton Ridge Road Map 11 lot 39. There is an inadequate drainage now from Hoosac Road onto Moulton Ridge Road. Will the subdivision plan do an entire water management plan. Kate explained that the new storm water management would start at the lots and go out from there. They cannot create more run off then what is already running off the property. Leslie Hansard explained that historically that has not been the case and the run off from Hoosac Place has resulted in erosion.

- How will water be divert the run off from more damage to 3 Moulton Ridge Road
- How do you assess the potential for flooding and will it be part of the approval process
- If damage occurs what remediation and assurance and financial compensation will be made to abutting property owners for the damage if it occurs, she sited Kensington Place inadequacies as far as drainage.
- Impact on abutting properties in the subdivision plan guideline run off water management
- Water management plan for the entire subdivision; should not be figured on lot by lot
- Loss of property use because of flooding at 3 Moulton Ridge Road
- With the new development could the drainage from across the road be addressed at the same time.

Kate expressed that they are aware of the problems with the run off and the Town's standards are more stringent than the state standards. Ms. Hansard expressed concern because historically that was not the case.

Jim asked if Mr. Ring had any comments about the drainage issues. Mr. Ring expressed that the Hoosac Road drainage issues are not something that he created or caused. There is a swale that is designed, and there could be rain gardens done on each lot. They have not done a storm water management plan yet, because there is not a road going in, so it is not required. Kathleen will send the new regulation to Jonathan Ring.

Julie stated that they don't need to comply with the storm water management because they are not putting in a road, which would disturb more than 5,000 square feet, but there is existing drainage that is exiting onto lot 6. This is a unique case. Mr. Ring explained that if there was a detention pond needed for Hoosac Road then it should have been done at the time of the project, he expressed concern that it would now be considered his problem to fix an already approved plan.

David explained that the design was upgraded, but the water shed that occurs is from the hill. He also asked if any of the septic systems will need to be raised, Mr. Ring showed the board that one will need a raised system. There was some discussion on a possible conflict of interest with the Town's Engineer. Mr. Ring asked if there was ever a drainage easement done with Mr. Lambert. Julie explained that if the owners were not happy with the drainage being directed back onto their land it should have been addressed back when Kensington Place was approved. There was no drainage easement done, but David expressed that the owner allowed it. Jim read the following to all present from the Subdivision Regulations starting on page 56:

*The Planning Board may decline to approve a subdivision which it finds to be "scattered and/or premature" and which would, if approved, involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewage, transportation, schools or other public services and/or which would require excessive expenditure(s) of public funds for the supply of such services.*

*It is intended that this regulation shall promote balances, responsible and desirable growth and to control the timing of development by avoiding haphazard, scattered and uncoordinated development. The evaluation which follows recognizes that development may be deemed "scattered and/or premature" if it involves or could involve the lack of, or would require an excessive expenditure of public funds to provide services, or would result in a cumulative adverse impact upon Town facilities and/or the neighborhood environment with respect to any or all of the following:*

- 9. Potential drainage impact problems;

*If it is determined by the Planning Board that the proposed subdivision is scattered or premature, the Planning Board may require the developer to make improvements or to address adverse impacts on facilities or services, as conditions of subdivision approval.*

Ms. Courtney Preneta asked the board to confirm that the lots would only be residential, and would there be any covenants. Peter expressed that the lots are residential/agricultural and that covenants would be done through the deeding process and discussion do not include the town. She asked if there has been an assessment completed about the increase in traffic, and the road is broken up already, what would happen to that road. Dave explained that the road of Moulton Ridge is what the residents of Moulton Ridge want; he has offered to patch and fix.

Steve Smith, Moulton Ridge Road, explained that the road is the way that they want it to be. He stated that there will be more traffic on a dangerous corner. It was asked if the construction traffic on the road had been discussed. Jim asked if Moulton Ridge could withstand the construction vehicles. David stated that in the early spring there could be limitations put on the construction vehicles. Will driveway turnouts be large enough for emergency vehicles to turn in and out of driveways? David explained that would be addressed.

Hans Rutisouser, brought the Aquifer District, planning board should determine on a case by case basis. Kate read the following from the Kensington Ordinances on Aquifer Protection from page 69.

For residential subdivisions of eight (8) lots or less and for non-residential projects with proposed water usage of less than 20,000 gallons per day from a particular site or property, the Planning Board shall determine, on a case-by-case basis, the need for a hydrogeologic study. Particularly sensitive sites may include areas that have septic systems in close proximity to wells or may contain excessively drained soils or steep slopes.

It was explained that the driveways can go through the stone wall but you cannot remove the rest of the stone wall.

Connie Sprauer, Moulton Ridge Road, asked about the lot shape and the confusion with the amended regulation that is online. The lots are not all square or rectangular. Julie explained that lot does not go down into a pie shape and it does meet the regulation for lot shape. David explained that the left side of lot 6 may not be any more than a drainage easement to help control the water issues that exist.

Mr. Ring asked where the septic is on 3 Moulton Ridge Road. Ms. Hansard showed him where her well and septic are on the plan. Mr. Ring explained that he was looking to see where the existing drainage is in comparison to where her septic and well are located. If he is to do something differently he wanted to know where the water is draining, and where her septic is located.

Martha Bernier, Moulton Ridge Road, ask where the driveway for lot 6 will be and if it will be closer to 150. She was present in support of Leslie, if they put a driveway between the Red School house and Ms. Hansard it would have to be a raised driveway in her opinion.

If they have to put a raised driveway it would have to have a culvert, and Peter explained that there might have to have 2 culverts in order to deal with flood issues. Ms. Hansard would like to have the study done, and that was not determined yet.

Joan asked if the septic on lot 5 could be moved because it seems to right up against the existing drainage. Mr. Ring explained that it could be moved if needed.

Courtney Preneta asked when the town's wetlands data was last updated. Mr. Ring explained that there was a certified wetlands scientist that visited the property to determine where the wetlands were.

Julie explained that developers are required to delineate wetland and soils and they can be liable if they are wrong.

Ann Smith, Moulton Ridge Road, asked if a conservation area needs to be delineated. The board expressed that is the Open space ordinance, and that had applied to the Rose Petal Lane development. Julie explained that it is a voluntary thing. This is not the type of subdivision that would typically apply to.

Courtney Preneta asked if there is there any language that speaks to building driveways behind someone's home. Julie explained that it is an artifact of piece of land that was cut out and deeded, and an odd configuration, there is nothing stating you can't go behind a property. Hans Rithauser, asked if this calls for a significant water management plan, and the water from Kensington Place should be addressed at the same time, or whether that is through some type of ditch. Something should be done about mitigating the current problem.

Jim expressed the following issues on the plan so far.

- Road Frontage on lot 3; bearing and distance labels
- Wetlands Classification
- Building setbacks added to the plan
- Drainage pipe size and invert elevations
- Driveway for lot 6, and water problems
- Police checking the site distance for some of the lots
- Storm Water management plan
- Storm water from Kensington Place
- Site Visit
- Erosion
- Conservation Commission to do site visit

Julie asked when Kensington Place was done, the board figured around 1999. Since the new updated information is available, they should use that information.

***Peter made a motion to close the public comment section. Bob seconded, all in favor.***

Julie would like to go on a site visit and talk to Mr. Ring more about the project and see about a drainage analysis. The board decided that making a list is premature, and a site visit would be the next step. Mr. Ring would like the public hearing to be continued to the July 19<sup>th</sup> meeting instead of June meeting which he has a conflict with. A site walk was scheduled for Tuesday June 7, 2016 at 6:00pm.

**Kate made a motion to not accept the application, for the board to be able to do a site visit, Joan seconded, all in favor.**

**Peter made motion to continue the public hearing until the July 19<sup>th</sup> 2016 Planning Board meeting, Bob seconded, all in favor.**

The public session will be continued and reopened at the July 19, 2016 meeting. The Town Hall might be finished so the location might be different.

The site walk was scheduled for Tuesday June 7, 2016 at 6:00pm. Site visit will be noticed as a quorum of the board will be present. The board discussed a possible conflict with the town engineer and will contact another engineer for a second opinion on the project, who will come to the meetings and do the site walk. Notes will be taken and made public.

#### **Accessory Dwelling Units:**

Donna Carter

Asked about the new accessory dwelling unit, Joan explained that there will be something that will go up for vote. Donna wanted to be included in the conversation when the accessory dwelling unit is talked about. Julie will have some adjustments to the current regulations for the June meeting.

Joan asked if the in-laws that are already approved will become accessory dwelling units. Peter explained that there will be an inventory of in law apartments.

There will be public hearings on this before they are voted on, and then go before the town for their vote. June 2017 is the start date for the accessory dwellings.

**OTHER BUSINESS:**

Bob was looking through the driveways in the subdivision section, and there is a reference in there that was not updated to the new section numbers which will have to be changed. The board will look through the reference section and see if there are others that are off.

Peter updated the board on the 149 South Road patio and that they are going to use the existing patio. The board cautioned that even use of the existing patio, the owner would still have to come before the planning board before any use of the patio.

The board discussed 244 Amesbury Road and the programs that are going on there. They are very happy with the business and the farm, but questioned if they have the correct approvals for the programs that they are conducting there.

Peter informed the board that he had visited the property, and it is not being used as a restaurant. Joan explained that it is approved as food processing area and that is all.

The board will need to go back to the original approval and minutes when the conversation took place and then they will ask Bruce to join the board and see what the differences are. Julie explained that they are using that facility in a different use, and you can't use a supporting property to support parking.

***Approval of April 19, 2016 meeting minutes.-no approvals made, will address next meeting.***

**Bob made a motion to adjourn; Glenn seconded it, all in favor.**

Respectfully Submitted,

Kathleen T Felch

Planning Board Clerk