

**KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
TUESDAY
JULY 19, 2016
7:30 P.M. AT THE
KENSINGTON ELEMENTARY SCHOOL LIBRARY
122 Amesbury Road
Meeting Minutes-*Approved October 18, 2016***

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

Public in attendance: Jonathan Ring, Jones and Beach; David Lambert, Janet Trabucco, Lesley Hansard, Robert Peacock, Steve Smith, Donna Woodbury, David Buxton, Donna Carter, Joshua Preneta, Hans Rutishauser, Connie Sprauer, Ann Smith, others as well.

Chairman Jim Thompson opened the Public Hearing at 7:32pm.

PUBLIC HEARING

Continuation of Lot Line Adjustment and subdivision

1. Karen Monique Martel 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.

Julie and the board looked over the revised plan that Monique presented. The plan has some differences from what Julie and Monique had discussed. The changes were minor and understood by all so Monique will make the changes on the plan and have Jim and Julie review it and sign off on it. The deed for the lots should be reviewed as well. A copy of the marked plan will be submitted to the board for the file. Certification of Monumentation will be submitted to the board as well.

Joan moved that the board accept the lot line merger and the subdivision with the changes noted by Julie on the presented plan and to be reviewed by Julie and Jim prior to signing off on it. Peter seconded with 6 in favor, and one nay.

Joan made the motion to have Jim sign the mylar on behalf of the board once the plan is reviewed and approved, Bob seconded, all in favor.

Jim made a motion to close the public hearing for Monique Martell, not seconded.

PUBLIC HEARING: Continued from May meeting.

1. 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.

Jim made a motion to open the public hearing on the Lambert Subdivision at 7:50pm, seconded by Bob all in favor.

Jim asked Mr. Ring to approach the board to present the changes that were suggested and made to the plan since the last meeting in May, 2016. Mr. Ring stated that they submitted a complete application at that time. He explained that he has responded to all comments received. He was able to review the 1999 drainage plans for the Kensington Place Development. He just received some comments from Dennis Quintal yesterday and will address those tonight.

He is requesting that the board accept the application as complete for consideration tonight.

He presented the following:

- They shifted some access land to the existing house lot to make that lot 3 acres.
- They adjusted lot 6 to not be a horseshoe around the existing home.
- He passed out the soil calculations showing the soil based lot size, they will be forwarded to Dennis Quintal
- The driveway locations are staked and the site distance looked to be acceptable; per site visit
- Submitted and obtained State subdivision approval, from DES, copy passed out and now note #15
- Plans revised to add rain gardens to each of the new 5 lots, 1000 sq feet
- Note #16 sheet A1 regarding driveways- to be constructed in according to town regulations
- July 12 responded to Beal's comments
- In regards to the possible Cemetery; Mr. Lambert never seen stones or walls, no current evidence of one there now
- Drainage calculations for driveway for Lot #6; distributed, to include culvert
 - Existing 18 inch pipe from Moulton Ridge Road; 24 inch pipe to be installed when driveway goes in on property Lot #6; 15 inch pipe under Route 150 (Amesbury Road) Will be submitted to Dennis as well as the water shed plan.

Joshua Preneta explained that the water is draining from his lot and there is another source of water that comes down from the ridge. Mr. Ring explained that this plan takes into consideration the watershed from the hill and the Preneta Lot. Mr. Ring further explained that they are not proposing drainage upgrades to areas other than their project area.

- The drainage report from 1999 was reviewed and a report submitted to the planning board.

Comment from an abutter was made, but Jim asked all present to hold comments until the end of Mr. Ring's presentation.

- Mr. Ring explained to the board the topography from 1999 and Peter questioned the existing topography, and that it is not what is currently there.

Mr. Buxton, Road Manager, commented that the water calculations should be verified and recalculated as of today not from 1999. He believes that there was an extensive amount of fill removed from the hill that would alter the information on the old drainage reports.

Mr. Ring appreciated the comment and continued his presentation and explained Ed Minnick also reviewed the submitted 1999 drainage plans and the site specific people at the state reviewed the drainage plans to make sure that the drainage was sufficient because of the site disturbance and it was approved by the state. Mr. Lamberts land is all downhill from the Kensington Place Project and will not be contributing any water flow to the existing pipe under Moulton Ridge Road. They reviewed the information and provided the town with a summary letter dated July 12, 2016, and number 8 expressed which expressed the following:

- "it is the professional opinion of Jones and Beach Engineers that the MSC Drainage Calculation provide and accurate depiction of the flows expected for the Moulton Ridge Road 18" culvert at Map 11 Lot 39."

He continued to read the summary letter to all those present which expressed that the subdivision drainage will not affect the current drainage issues.

Questions from the abutters present included the following:

- Mr. Minnick's review was of plans? Correct
- Lots are still under development within Kensington Place

Mr. Ring continued the presentation. Stating that the water flow is what has occurred for years because it is the low spot in the area. Julie asked about plan changes and fire protection issues, and if there were any changes to the plan in regards to that.

Chairman Jim Thompson asked if there were any comments regarding the drainage issues just discussed.

Mr. Buxton commented that was the area to place the drainage and water flow because the drainage picked a path. If the culvert was put in a different location it would not have helped the water flow in that area.

Mr. Preneta commented that the swale did not work and then the swale was moved to the existing area.

Jim asked Donna Carter if she had any input. She explained that Janet Osmun-Culver went to the board and asked to have the drainage path changed. Kathy will look into finding the records of this change.

Mr. Buxton continued explanation that the fill was moved and that the topography that was proposed and what is there today are different. He believes that the information should be verified and should contain the current topography. The board commented that they would like to see the plans, and Mike stated that the

planning board reviewed the second set. Mr. Ring has not seen the calculations from Ms. Osmun-Culver that have been discussed tonight. Christian Smith stated that he has them if they are not able to be located. The steeper the topography the faster the drainage goes, if that house was dropped then it will slow down the flow. Mr. Rings point is that the project is downstream from the water flow issues and they are not concerned about that area.

Peter Merrill explained that they are proposing to 18in going under Moulton Ridge and then running it through the 24 inch on Lot #6. He is not solving any problem, just providing for the drainage on the proposed lot.

Michael Schwotzer asked if water flow is draining from one lot to the next lot and so on. Is more water getting to 150 under this plan then there is today. Mr. Ring stated no, and that there is no more water being generated for this project, it will actually slow it down with the proposed rain gardens. Mr. Schwotzer explained further that the water isn't the Lambert subdivision issue. They can't stop that or fix it. If they are slowing down the amount of water, then it is a positive in their favor.

Mr. Buxton explained that the rain gardens should be constructed as part of the building permit. It was asked who the residents would go to if there were any issues with the rain gardens, and how do you enforce someone to take care of them.

Jim asked Mr. Ring to go through Civil Managements comments. Dated 7/16/16

- Julie clarified that the 100 ft hydric A soils line should still be included on the plan for future use
- Storm water management was referenced and that is what the rain gardens were for
- drainage calculations for culvert on lot 6
- location of rain gardens are not know at this time
- Rain gardens have maintenance notes on the plan
 - Mr. Quintal thought that they should be indicated on the plan
- Test Pits are sufficient
- Building permits will have to include references to information from the plan
- Engineering review and fees could be assessed for the rain gardens for building permit issuance
- Granite bounds must be set
- More than 4 lot subdivisions require fire ponds, but Mr. Ring will fill out a waiver for that requirement because there are two fire ponds in the vicinity.
- Sketch out the driveways, and avoid cutting down scenic trees.
- Easement may be required for 25 feet on the frontage for future highway maintenance
 - Mr. Ring explained that can be discussed further
- Mr. Ring stated he could draft construction sequence for each house lot, with stages of construction

Julie suggested underground drainage that would not require the maintenance of the rain gardens.

Mr. Ring explained that in the approval process there could be conditions that the rain gardens are installed correctly and stamped prior to the building permit issuance.

Abutters expressed continued concern for the rain gardens being maintained. Ms. Hansard expressed concern on the enforcement of the rain gardens upkeep.

Mr. Buxton commented that the fire pond on Moulton Ridge Road is being reviewed by the Fire Chief and before the board waives the cistern requirement they should get a letter from the fire chief stating if the pond is adequate.

Joan suggested a fire pond on Lot #5, and it was discussed that the fire department is discouraging the use of fire ponds due to the equipment the fire department uses. Mr. Ring stated it is a possibility.

Mike explained that the water drainage problem has existed for a long time and the suggestion of diverting the water problem to someone else is not fair.

Many comments were made about the rain gardens and how with they are kept up and who would enforce. Bob and Julie explained that there are other solutions that do not involve rain gardens including drainage systems underground that drain into drywells. Bob thinks that it will be hard to enforce the maintenance of rain gardens.

Mr. Ring agreed that is an option but that they are harder to install because they are underground. Peter reiterated that the point is to maintain the water on your own property and not disperse it to a neighbor. He also expressed concerns that the drainage from Lot 6 will be going into a 15 inch pipe that is going under Route 150 (Amesbury Road). Peter further explained that the field has run off and the development

concern is about the impervious surfaces, and each lot will need to be taken care of on its own and sequester as much on your property.

Kate agreed that rain gardens might not solve the issue and that the drainage calculations should be reviewed and see if it needs to be reassessed. Julie explained that all the lots need to be integrated and reviewed at the same time so that the run off can be addressed on all lots, not just as they sell. Mr. Ring understood Julie's concerns on the development of each lot at different times and the run off that could be created. Updated drainage calculations may need to be done with the current data available.

Donna Carter explained that Janet Osmun-Culver had a drainage plan done after some of the lots were built on and that would be more current data then the one from 1999.

Michael asked if the board feels that the application is complete and substantial enough for the board to consider it. Things to consider would be:

- Water maintenance and would not design but would have it as a requirement for building permit
- Multi lot solution, not to address Kensington Place, but to the pathway from the new impervious surfaces
- Do calculations need to be done before the board considers the application?

Jim would like for Mr. Quintal to attend the next meeting of the board, but Julie was not sure of his schedule. This would also incur and added expense on the applicant.

Kate expressed the drainage calculations need to be done, sequencing as to whether the lots are considered together, rain gardens or alternative to run off. Mr. Ring conceded that he would like the application to be accepted. There was not a completed checklist within the file.

Julie went through the checklist and made sure that the plan had everything on the checklist the board has for the applications. Everything was supplied except the things that don't apply.

Julie noted a few things: Driveway access, choice of rain gardens or suitable alternative, manage run off and specifications on how it is done, peak flow, construction sequencing, and note about cemetery on lot 6.

Bob made a motion to accept the application, seconded by Kate seconded, all in favor.

Mike made a motion to continue the Public Hearing until the August 16, 2016 planning board meeting, seconded by Peter, all in favor.

Driveway Permit

David Buxton presented the board with a driveway permit for 45 Wild Pasture Road, Mr. Buxton has viewed the property and talked with the land owner and feels that the application is complete and should be approved by the board. Joan motioned that the board approve the application, Mike seconded all in favor.

David then discussed the flaw in the way the permits are approved. He is the one that is out there and sees the property and then the land owners have to wait a month sometimes for the next board meeting. The board agreed that it is a long wait period at times and trusts that David understands the regulations. Mike suggested that the board revisit this issue and put something before the voters in March of 2017. This will be added to the agenda later in the year for consideration and drafting.

Rockingham Planning Commission Contract.

The board discussed the Rockingham Planning Commission Representative and the contract.

Joan moved to accept the contract, Mike seconded, all in favor. Jim signed for the board.

Accessory Dwelling Unit-discussion and sample ordinance

Donna Carter wondered what the process was going to be and when there could be town input to the regulation. The board is looking to create a regulation for the March 2017 vote. Donna was concerned about the wording and asked if the town would consider allowing for them to be detached. The board expressed that they would be appreciative of resident input and will be talking about them in meeting to come. Julie offered to get Donna some information on them. Discussion will continue.

OTHER BUSINESS:

Peter explained to the board that there was a complaint made to the Board of Selectmen on a residents home in town and the Board of Selectmen do not have the authority over the building inspector, it is in the purview of the Planning Board. There was a verbal complaint and the building inspector was mentioned and asked to see if there are any violations to the building codes that the Selectmen might need to enforce. Mike made a motion for the Building Inspector Norman Giroux to go out to the property, Bob seconded, all in favor.

Approval of JUNE 21, 2016 meeting minutes- deferred until August meeting due to time.

Next Meeting –AUGUST 16, 2016

Mike made a motion to adjourn at 9:55pm, seconded by Kate, all in favor.

Respectfully Submitted,

Kathleen T Felch

Planning Board Clerk