

**KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
TUESDAY
AUGUST 16, 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; Peter Merrill, Selectmen's Representative; Dennis Quintal, Civil Engineering; Julie LaBranche, Rockingham Planning Commission Representative

Others in Attendance: Donna Woodbury; Steve and Ann Smith; Hans Rutishauser; Robert Peacock; David Lambert; Jonathan Ring, Jones and Beach Engineering; David Buxton, Road Manager, Leslie Hansard, Robert Peacock, Donna Carter

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

Jim explained that the board was here to continue the Public Hearing on the Trabucco/Lambert Subdivision off of Moulton Ridge Road.

Joan made a motion to open the public hearing, Peter seconded, all in favor.

Jim asked if Jonathan would present to the board his remarks submitted.

PUBLIC HEARING: Continued

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.

Mr. Ring presented the changes from last meeting to the board. He explained that since the July 19th meeting they have responded to all the engineer comments and added sheet C3 which is a blow up detail with the driveway reserve areas and possible well and leach field areas. He explained the homes are not located on the plan because he is unaware of where the homes will be placed. The rain gardens were removed and did a typical detail for a driveway with a house with drip edge and pipe drainage that will be underground, and stated that he had submitted a waiver request letter from the requirement to have to construct a fire cistern. Mr. Ring just received the letter from Dennis Quintal today and he will respond to the questions tonight.

Mr. Ring does not see where in the foreseeable future that Moulton Ridge will be widened or improved. Mr. Smith asked if it could be widened or improved with the scenic status on the road. Mr. Buxton stated that the limitations on the Scenic Roads do not limit the widening or upgrading, providing that the widening does not involve disturbing the rock wall or tree line. Mr. Smith does not see where there is any need to widen the road, Mr. Buxton agreed.

Mr. Ring brought sheet C2 to the board's attention where he listed a construction sequence that was modified to fit this project.

Mr. Ring also pointed out the letters and emails that went between the boards in 2003-2005. Ms. Hansard had then expressed that there was an issue with drainage. This present subdivision is not contributing any additional flow of water to the drainage pipe. He expressed that the pipe and drainage was a preexisting condition. He was surprised to see that Christian had evaluated this issue and expressed his concerns to the boards and there had been no resolution in the last 10-12 years. It is his position and the applicants that this is a town issue, not theirs.

Jim thanked Mr. Ring and asked if the board had any questions.

Kate asked if the board had the current set of drainage calculations. Mr. Ring explained that they did the drainage calculations that they had submitted to the board. Kate reviewed the calculations.

Bob explained that all the drainage that they are talking about is coming off the roof. What will happen to the drainage coming off of the impervious soil that is created by the driveways? Mr. Ring explained that

the soils are well draining soils, and that the lots are over 2 acres. Peter explained that the drainage would follow the drainage of the slope of the area. The overall drainage of the lots was discussed. The drainage report was done with the rain gardens in mind not the underground drainage that is now being presented for each lot. He explained that the 24 inch pipe will control the water flow. Kate disagreed and stated that the upside of the culvert would pool water. Mr. Ring explained that it would stay below the driveway for the 25 year storm.

Both engineers, Mr. Ring and Mr. Quintal helped to explain the drainage report to all those present. Kate explained that the intent is that the water flow would stay along the low spot of the land; there is not a swale at this time.

Jim introduced Mr. Quintal stating that the board had brought him in on this case to advise them. Mr. Quintal explained that the rain gardens and underground drainage were discussed, but they should be installed properly. He stated that Mr. Ring did a good job in preparing everything for the board. The proposed drainage will be detaining the water, and will create a pond before the installed culvert under the driveway on lot 6. His concern is on the design for the driveways, so that there is an overflow over the driveways so that the water does not back up on the abutters property. Long term maintenance by the lot owner, will be necessary to make sure the culvert pipe is draining properly. He believes that there should be an easement on the property with regards to this drainage issue and that it should be inspected periodically. The state has guidelines for inspecting storm water detention basins yearly. Kate expressed that the grading of the lot is a big issue. She believes that it would make sense to have a drainage and swale easement to insure that the water flow continues in the correct direction. Ms. Hansard expressed concern for the potential buyers and their knowledge of the drainage issues with lot 6. The board clarified that there is no retention pond, but that the driveway culvert could create ponding in some storms. Mr. Ring explained that the driveway could be moved closer to route 150. Mr. Buxton proposed to have a secondary culvert for the water to flow through when the 24 inch culvert backs up.

Mr. Quintal asked where the abutter septic is and that the lot 6 drainage should not be backing up onto their property. Mr. Ring asked if the contours could be shown on the plan. Ms. Hansard was concerned with the drainage issues that currently exist, and the possibility of adding more to it.

Mr. Ring agreed and stated he would provide the contours and grading on the plan for the board, and possibly move the culvert easterly.

Mr. Ring explained that the board is setting precedence for how subdivisions are handled in the future, if they require something more from him that will have to carry over into future applications. Mr.

Rutishauser explained that under the gravel there is a compacted source that will still shed water. He was concerned about the water shed to the abutting properties and that the gravel driveways still have to allow for water shed.

Kate asked if the applicant was opposed to building a drainage swale, which would possibly benefit the abutter and contain the drainage issues. Kate and Mr. Quintal agreed that the swale would be beneficial for the drainage. Mr. Buxton stated that the swale would have to be on the property owner's lot, behind the stone wall. Mr. Peacock stated that the high spot is in the back of his property and if you did a swale there would be a moat around the property. Mr. Buxton stated that a swale you can maintain, but a ditch would be not be maintained. Mr. Ring stated that this is an existing town problem, not one created from the proposed project.

Mr. Smith stated that the town doesn't have a good record at following through with the construction and overseeing of the water flow projects in town. Ms. Hansard explained that integrating the drainage from lots 4, 5 and 6 seems to be a good idea and people are open to making that happen. Mr. Quintal stated that is what he was alluding to in his review and have the town work with the developer to make this happen. If there is an easement and is maintained, it could work. It could be done anywhere on the lot and the town is trying to work with the applicant for a solution to the issues.

Joan expressed that the storm water management was passed through the town, and that other town's not only Kensington, have the water run-off issues. She expressed that the town could put limitations on what the setback could be for lot 6. She wants to make sure that the deed and the plans are very clear and have the detailed information. Mr. Quintal explained that some of the plans are not accepted at the registry due to the writing over text and because they are unclear. The plans that are approved by the planning board are the plans that the building inspector and the town should be following.

Bob expressed that he is concerned that the board can't say exactly where the driveway will be without knowing where the home will be built, but that there will be a culvert under it. He asked if the board

should distinguish where the driveway will be and the buyer will have to be okay with that. Mr. Buxton commented that the issue is the water; they are just trying to prevent another problem. He doesn't see why the board can't approve the plan with an easement of where the driveway is to be. If the developer wants to change the driveway they will have to come back to the planning board for an amendment to the driveway location on the plan.

Julie LaBranche thinks that the range of an area should be stipulated on lot 6 for the driveway. With the specification on the grading and elevation, and oversize culvert, and also an overflow culvert is a great idea. The town's regulations state that drainage calculations should take into consideration the 50 year storms. The design and storm water regulations state that they have to manage on site. The swale on the front of the property would convey the water appropriately to comply with the towns regulations, and should also have an easement for the swale to ensure its upkeep. There should be notes on the sheets that refer back to each other. She would also support the drainage easement on lot 6 that would be subject to periodic inspections.

There should be a note on sheet C3 to give some guidance as to what size the culvert should be.

Mr. Ring presented a rough sketch to the board for them to review of the swale and the relocating of the driveway on lot 6. He requested to meet with Mr. Quintal to discuss the particulars before the next meeting. Variations were discussed that would maintain the drainage and minimize the water drainage issues. Ms. Hansard stated that they are aware that the drainage issues are a separate issue but there is an issue and the drainage should be addressed.

Joan asked about moving the culvert and the cost for doing that. Mr. Buxton stated it would be around \$4,000. There is not money in the Road Reconstruction budget this year for this project. Peter expressed that if this is something that needs to be done, it could be addressed in next year's budget.

Mr. Quintal suggested diverting the pipe instead of digging up the whole road. Mr. Buxton asked how the moving the culvert would affect the drainage from the Osmun-Culver property. Mr. Ring's swale would not be accepting the 18in culvert water it would be for the lots 4, 5 drainage. Mr. Ring will think about the overflow culvert for the driveway on lot 6.

Mrs. Smith expressed concerns about the sight distance on the proposed lots. Joan explained that the proposed driveways are located on the plans. Peter walked the area with the Chief of Police and the concern he had was with the corner closest to Amesbury Road. Some of the lots have more than 200 feet frontage which will help to adjust for the site distance. The cemetery that was discussed is noted on the plan.

Jim asked the wishes of the board at this time.

Julie interjected that the applicant needs to grant the board an extension or the board will need to make a decision tonight. The 60 day time clock will be up before the next board meeting.

Mr. Ring agreed to grant the extension on the time clock rather than have a vote tonight.

Peter made a motion that Jonathan Ring, Dennis Quintal, Julie LaBranche and David Buxton all meet and come back to the board with a final plan next month, Joan seconded, all in favor.

Peter made a motion to continue the public hearing until next month on September 20th, Joan seconded, all in favor.

Mr. Lambert thanked the board for their time.

The board took a brief break for before the next issue at 9:04pm. Most of the public exited the meeting at this time. Joan invited all to stay and discuss the issue of Accessory Dwellings.

The meeting resumed at 9:06pm.

Accessory Dwelling Unit-

Jim started the discussion with statements on what Dover had already implemented. Impact fees are part of the application that must be renewed annually. Joan stated that the impact fees can be complicated.

The board discussed the following:

- How will they be assessed and valued
- Minimum and maximum size restrictions
- Building permits trigger the assessing company valuation/inspection
- Detached existing buildings being allowed or disallowed
- How they will be attached; door, breezeway, screen porch
- Preventing two full homes on one residential lot
- Grandfathering all the current In Law apartments; not illegal ones they would need to comply

- Septic's to be combined or separate
- Possibility to make a case to ZBA for detached ones
- Getting the word out on this regulation and have residents opinions
- Two possibilities for voters, one to comply with state requirements and the other to add what the board has discussed.
- In keeping with the rural community
- This is not much different than the In-Law regulations; that will no longer be allowed, they will now need to go for the Accessory Dwelling through the Planning Board with a conditional use permit. The Zoning Board of adjustment will not need to be part of the process.
- Work session in October or November to work with the public and their ideas
- Donna asked what she could do to show the board what the public wants; they suggested coming up with some possible wording and attending the meetings.
- Possibly have the accessory dwelling as the secondary use.
- Julie will get together the minimum size requirements and have a draft for the board next month

Joan made a motion to approve the June 21, 2016 meeting minutes seconded by Bob, all in favor.

The board asked when Bruce Cilley will be coming in for discussion on the Food Barn activities. Kathy will reach out to Bruce and see when he is available. Maybe the November meeting the September meeting has three applications.

Sign Ordinance Changes need to be addressed as well.

Approval of July 19, 2016 meeting minutes held until the September meeting.

Bob made motion to postpone, Peter seconded, all in favor.

Next Meeting –SEPTEMBER 20, 2016- MEETING WILL BE HELD AT THE Town Hall
95 Amesbury Road

Motion to adjourn made by Peter at 10:10pm, seconded by Kate, all in favor.

Respectfully Submitted,

Kathleen T Felch

Planning Board Clerk