

KENSINGTON PLANNING BOARD
TUESDAY
July 18, 2017
7:00 P.M.
Meeting Minutes-Approved 9/19/2017

In Attendance: Kate Mignone, Acting Chairman, Joan Whitney, Jim Thompson, Glenn Ritter, Bob Wadleigh, Selectmen's Representative, Julie LaBranche, Rockingham Planning Commission.

Kate Mignone opened the meeting at 7:04pm.

Kate explained the one of the board members would be having to recuse from the subdivision public hearing and they do not have a quorum yet, but are expecting another member soon.

She skipped ahead on the agenda to the Mohn's Accessory Dwelling Unit Consult- Ms. Mohn's passed out a power point for the board to review on her property located off of North Haverhill Road. She explained that the building has 2200 square feet and they would like to turn the building into an apartment. Mr. Giroux has been to the property to view the building, and she stated that when the building permit was pulled originally for the building it was pulled for another dwelling. It has its own heat, ac and septic. They want to get it formally approved and want to add another bathroom and kitchen. She indicated that they would need an occupancy permit. Mr. Mohn's expressed that they are looking for the accessory dwelling units to be unattached, and how would that happen. Joan asked if the board has made the regulation for the homeowners to be able to go to the ZBA for relief from the regulation. The only relief that is awarded to this particular regulation is to petition the superior court. There is no relief that can be granted through the Zoning Board of Adjustments. Julie stated that the area is well above what is allowed within the regulation which is 900 square feet. The board would not be able to do anything with this lot to make a second dwelling a legal dwelling. There is not enough frontage to subdivide the lot either. The Mohn's thanked the board and stated that they got the information that they needed.

Kate read the public notice.

Public Hearing:

- 1. Kensington Planning Board will hold a Public Hearing on Tuesday, June 20, 2017 at 7:00 p.m. at the Kensington Town Hall to review and act upon a Six Lot Subdivision application for 825 Development, LLC. The parcel is located off Osgood Road & Drinkwater Road, Map 12 Lots 45-B4 & 47. The intent is for 825 Development, LLC to subdivide a 13.93-acre lot into six lots.*

Jim recused himself from the application at 7:09pm.

Joan motioned to open the public hearing, Glenn seconded, all in favor.

Mr. Jack McTigue, of MSC Civil Engineers approached the board as the engineer for the applicant. He believes that he has met all of the suggestions made by the board and by the town's engineer Christian Smith. He read Mr. Smith's suggestion to the board that since he did not have time to properly review the drainage calculations, the board could conditionally approve the project with the stipulation that the engineer and board are satisfied. He continued the presentation with stating that they widened the easement area and berm are now 10 feet. The board asked if the reclamation has been started and Mr. Ricci replied that they have been reclaiming the pit for years now. Mr. Ricci stated that the proposed grades for the pit reclamation and the subdivisions grade will match perfectly. The engineer stated they were told by the State that the reclamation and the subdivision can be done concurrently, and they will forward that email on to the board. The board had just gotten the revised plans at 12:30pm this afternoon and did not feel that was adequate time to review the

drainage calculations. They stated that would be a condition for them and the Town's engineer to sign off on the drainage before the mylar is recorded. Julie expressed the lot size of lot 4, 5 and 6 were small and the board should revisit the lot sizes in the future. The board asked if the continuance of this public hearing would cause an undue hardship. Mr. Ricci did not feel that was a fair question, he does feel it would for him, but he wants the board to be comfortable about their decision. Glenn made a motion to conditionally approve the subdivision with the following conditions:

1. Review and approval of Stormwater Management and Drainage Plan to the planning boards satisfaction.
2. Review of the calculations for an alternative where the catch basin and pipe were removed from the bioretention area.
3. Review and approval of a Drainage Easement for the stormwater systems.
4. All state and local permits obtained.

Bob seconded, all in favor.

Julie reminded the board that they should act on the lot merger first.

The board reviewed the lot merger document. Joan moved to approve the Voluntary Lot Merger for Map 12 Lot 47 and Map 12 Lot 45-B4. Glenn seconded, all in favor.

Glenn then asked if the pit activity would have to cease due to the merger. The board was unsure and asked if Mr. Ricci still wanted to continue with the merger. He told the board that he still wanted to proceed.

Glenn made a motion to rescind the earlier motion approving the subdivision for Tannery Way, Joan seconded, all in favor.

Glenn motioned to approve the six lot subdivision for 825 Development LLC located off of Drinkwater Road and Osgood Road also known as Map 12 Lot 47 with conditions:

1. Review and approval of Stormwater Management and Drainage Plan to the planning boards satisfaction.
2. Review of the calculations for an alternative where the catch basin and pipe were removed from the bioretention area.
3. Review and approval of a Drainage Easement for the stormwater systems.
4. All state and local permits obtained.
5. Revise the site plan to create a 10 foot wide drainage easement around the perimeter of the detention basin.

Joan moved to close the public hearing, Glenn seconded, all in favor.

Jim returned to the board for the remainder of the meeting.

Kate moved to other business where the newly subdivided lot off of Drinkwater Road Map 18 Lot 34 was discussed.

Ms. DiBona was present and it was explained to the board that the Lot Line Adjustment was approved recently and there was now a question as to if Map 18 Lot 34 was considered a buildable lot. The board discussed the lots grandfathered status and just because the lot had a lot line adjustment done to the back of the property, that process does not take away the grandfathered status. There was a letter requested that states that the grandfathered status has not changed and that the lot is still considered a buildable lot even with the frontage of 71.21 feet. The board agreed that was the case. Kate will sign the letter later in the meeting. **Jim made a motion that Map 18 Lot 34 should be issued a building permit providing that they produce proof of test pits to the building inspector, and that the lot will adequately support a septic system, Joan seconded, all in favor.**

The board reviewed the Lot Mergers presented for James and Susan Farley and Lee Hearn, Deborah Hearn, and Martha Shimano.

The Farley's are seeking to merge a part of their property that was previously unmerged by the board of selectmen at their request. Upon meeting the criteria the lots were unmerged. Now they are seeking to merge two of the four parcels. Joan moved to approve the lot merger to merge Map 3 Lot 4-1 and Map 3 Lot 4-2, seconded by Jim, all in favor.

The next Lot Merger was for Lots off of Moulton Ridge, 31 Moulton Ridge and one off of Hilliard Road, 15 Hilliard Road. The board reviewed the lots and seeing that they met the criteria they approved the merging. Joan made a motion to merge the following lots Map 11 Lot 47-1 and Map 14 Lot 1, Jim seconded, all in favor.

David Buxton was in attendance to see what the board's wishes were about delegating the Road Manager to have the authority to approve the driveway permits. The board had to hold a special meeting earlier in the month to approve two pending driveway permits, and this process would eliminate the applicant having to wait a month for a permit to be granted. The board relies on David to inspect the area and bring the board information. The authority to approve driveway permits currently lies with the planning board, but they can delegate someone to do it for them. Joan made a motion to delegate the authority to approve driveway permits to the Road Agent, as long as it is approved by the Board of Selectmen, Jim seconded, all in favor. Bob will update the board at the next meeting.

Julie had prepared a letter to the Board of Selectmen about the drainage swale off of Moulton Ridge Road, under the direction of the planning board last meeting. The board reviewed the letter and shared it with those present. David engaged in the discussion by showing the board the large version of the plan and explained the differences between the two pipes. The current pipe is corrugated and the new one will have a smooth finish so that the water will flow, the new pipe will also be pitched differently. The board was satisfied with the explanations by both Bob and David, so Julie will add the answers to the sheet and send to the board with a conclusion that the planning board has signed off on the swale for the Lambert development. Bob explained that the Hansard's have been dealing with a drainage issue for years and it is time for it to be corrected. The new swale will go past the back side of her property so the water is diverted away from her property, there will also be no need for an easement from Ms. Hansard because the pipe will be moved further down Moulton Ridge Road and will not need to cross the original small section of her property. Julie also reminded the board that Mr. Lambert had committed in a board meeting to apply funds to the creation of the swale, and that the old culvert should be plugged. David will relay to the Board of Selectmen and remind them of Mr. Lamberts commitment and will also plug the old culvert and when Moulton Ridge Road is up for reconstruction the old pipe will be removed. The town will also assume responsibility for maintaining the swale.

David also wanted to bring to the board's attention that there are driveways that are being repaved in town and they should be obtaining driveway permits for repaving. The grades are not hitting the town roads correctly and might cause icing in the winter months. He will also mention this to the Board of Selectmen at the next meeting. The board suggested working on a driveway permit where they could select if it was a new or repairing/reconstructing of an existing one. Kathy will add the driveway regulation Article IV, Section 4.2.2 to the permits section on the website.

Kathleen MacQuarrie was present to discuss 56 Osgood Road and the residents wish to have an Accessory Dwelling Unit in their home. They were told by the Board of Selectmen back in 2003 that the addition was okay to have as an inlaw, but did not go through the zoning board of adjustment. Kathy was unable to find anything in the property card file or the zoning board data base that indicated that they were approved for an inlaw apartment at the time of the addition. She will look back at the old minutes and building permits to see what can be found there. This all happened around the same time period as the Mohn's home, the board is

curious to see the building permits. The area that is wanted for the Accessory Dwelling Unit is 1200 square feet which is over what is allowed by the town. There is no variance from the zoning allowed from the ZBA with this new ordinance, the only relief is to file with superior court. Ms. MacQuarrie stated that she is unsure how the property owner wants to proceed from here. The board did not accept the application from the resident.

When this application was forwarded to Julie she noticed that there was no information turned in with it, on the application is it very vague as to what the applicant is responsible for submitting. She reworked the current application and asked for the boards thoughts on it. The board had some suggestions so Julie will make adjustments and bring the application back for the next meeting.

Julie was also asked to prepare two more letters one for KIC 98 Amesbury Road and one for Eastman's Corner Foundation at the Food Barn. The board reviewed both letters and made minor changes to the draft. Julie will make the changes and send to Bob Solomon for his signature. Jim made a motion for Bob to sign on behalf of the board after the revisions are done, Joan seconded, all in favor.

Bob W. asked why the board was sending these, were they for a violation or following up with the owners. It was explained that this was not for violations at this time and it was to follow up with the representative to attend a meeting of the board to explain the changes to the original approvals. No one is in disagreement with the activities at the Food Barn they just need to update the site plan.

New Business:

Joan Whitney announced to the board that she is retiring from the planning board, and as the Rockingham Planning Commission Representative, she has been thinking about this for some time now and feels that it is time. The board thanked her for her years of service to the town.

June Meeting Minutes were reviewed. Joan moved to approve the June 20, 2017 meeting minutes, Jim seconded, all in favor.

July 6, 2017 Meeting Minutes were reviewed. Joan moved to approve the July 6, 2017 meeting minutes, Bob seconded, all in favor. Glenn and Jim abstained.

The board asked Bob to take the issue of the Ricci Pit not being reclaimed up with the board of selectmen at their next meeting and seek counsel if Selectmen approve.

Glenn made a motion to adjourn at 9:44pm, seconded by Jim, all in favor.

Respectfully submitted,

Kathleen T Felch

APPROVED