

KENSINGTON PLANNING BOARD TUESDAY,  
JANUARY 15, 2019 - 7:00 P.M. 95  
Amesbury Road, Kensington, NH, 03833  
Meeting Minutes - Approved 2/19/2019

In attendance: John Valvanis, Jim Thompson, Mary Smith, Peter Merrill, Mike Schwotzer- Selectman's Representative, Julie LaBranche- Rockingham County Planning Commission Representative

Also in attendance: KFD Chief Jon True, Ken Cohen

John Valvanis, acting as Chairman for tonight's meeting, opened the meeting at 7:03pm.

**Continued Public Hearings:**

1. Wendy Osgood- Home Occupation- Art Classes and Therapy Sessions.

Jim will recuse himself as he is an abutter. John stated that the Zoning Board did not meet, as there was no quorum. **At 7:05pm, Mike made a motion to continue the public hearing on the home occupation until the scheduled meeting on February 19. Mary seconded, all voted in favor.** The home occupation comes under site plan, and because Wendy was not in attendance, she is waiving her time limitation. The Board will move forward and will ask for a continuance to review the application until the ZBA meeting occurs. **At 7:07pm, Mike made a motion that the continuance is contingent on the applicant recognizing that this board has gone beyond 60 days and if she denies request, the board will act on the application. Peter seconded, all voted in favor.**

**New Business:**

Review of Fire Cistern Regulation

- Chief Jon True presented the most recent edition of the Fire Protection/Cistern Regulations that he and Julie have been working on. Chief True asked the Board to bring up any questions or concerns.
- There was discussion on what a credible water supply is versus a non-credible water supply. Peter asked how many other bodies of water currently identified as cisterns are credible and how many are non-credible. Chief True responded that not all are credible water supplies under NFPA standards. Chief True explained that the previous BOS tasked him with identifying credible and non-credible water supplies in town and he is preparing a report on this.
- There was discussion on useable water covered in Section 6 of the Fire Protection/Cistern Regulations. Chief True told the Board that the Fire Department will start using a permit process to address this.
- Julie suggested a change to the Final Approval of Maintenance section of the Fire Protection/Cistern Regulations. She suggested that it should read the "Water supply system" instead of "the system". Chief True asked who would be responsible for the cost of testing/maintenance. Chief True said that they would need to pay for any repair, then test again on their own. Then the FD would retest. Julie explained that if there was a private road there would likely be a maintenance agreement. Chief True clarified that there would be a Water Usage Agreement, and both parties would need to maintain a certain amount of liability. Mike asked if this would be on the deed, and Chief True thought it would be. Julie asked if there is a sample. Chief True said once he has a sample, he will send it to Town Counsel for review. Julie suggested that if someone came in with questions it would be helpful to have examples of the easement/deed. Mike asked if this is anywhere on the checklist the Board uses. If not, Julie will add it.
- Chief True explained that a Change of Use NFPA 101 could require additional fire safety systems. It is important that Chief True get copies of change in use applications, or expansion of use, for an amended site plan application for this reason.
- Brief discussion on waivers. Julie reminded the Board that a request for a waiver would come from the applicant.
- Discussion on involvement of insurance companies refilling cisterns after use.

- Mary pointed out several typos that need to be corrected. Mike asked what will need to be done to adopt these new regulations. Julie suggested looking through Site Plan and Subdivision Regulations and then holding a public hearing to accept changes to both Site Plan Regulations and the Fire Protection/Cistern Regulations. Mike and Jim felt it would be important to make the changes to the Fire Protection/Cistern Regulations and hold a Public Hearing in March. Julie explained that when there is a notice for public hearing, any application submitted after notice of the Public Hearing would be subject to the proposed regulations. Mike commended Julie and Chief True for their work. On February 19 there will be a meeting on the Fire Protection/Cistern Regulations.

#### **OTHER BUSINESS:**

##### **Proposed changes to Kensington Land Use Regulations per Article II Section 2.1 G.**

- Mike read the proposed changes. He explained that in order for the change to be official, there will be a second reading during the February meeting.
- The second reading will be during the Planning Board meeting on February 19, the snow date if necessary, will be the following Tuesday.

##### **5 Olivia Lane Inspection**

- Chief True informed the Board that he has completed an inspection at the property at 5 Olivia Lane, which was a condition of approval by the Board. Chief True read a letter to the Board on the issue. See Addendum 1.
- Jim asked if the concerns were discussed with the applicant, and Chief True explained that they were. Chief True said that the Fire and Police Departments have required the applicant to have an Emergency Plan in place and both Chief Sanders and Chief True have discussed this with her.
- **At 7:58, Mike made a motion that the Planning Board accepts the Fire Chief's conditions for parking arrangements and revised notice of decision for the home occupation would be issued including incorporating those conditions. Jim seconded, all voted in favor.**

##### **Charette Committee Letter**

- Julie suggested that the Board respond to the letter dated 11/15/18 from the Charette Committee. The Board agreed that although the committee's suggestion was a good idea, it is a costly endeavor to conduct a Town Housing Needs Assessment, and the benefit to the town is unclear at this point. Peter suggested inviting the committee in for a work session to better understand what they are seeking to accomplish. Mike said that the BOS could address how the tax based valuation system works, an issue pointed out in the letter.
- Chief True addressed the Board and explained that the Charette Committee was formed by the previous BOS, to delegate/review what came out of the PLAN NH meeting. The Charette Committee is independent of the group that worked with PLAN NH and small ad hoc committee has no power other than to make recommendations. The Charette Committee has reached out original group that worked with PLAN NH to have their own work session. Julie suggested the PLAN NH report be circulated to the Planning Board, then the Planning Board invite the Charette Committee for a discussion. Chief True said he would follow up with the contacts he has from PLAN NH, and strive to meet sometime in March with the Planning Board.

Julie provided the Board with her Time by Job Detail from October through January. The town has spent approximately 49% of the contract for the Circuit Rider for July – December. Julie feels that this is a good place to be at this point in the year and she will review some additional documents for the town beginning in March, dependent on how much of the contract has been spent at that time.

**At 8:28 pm, Mike made a motion to approve the minutes from the meeting on November 20<sup>th</sup>, with the deletion of "Julie added a condition, Chris seconded, Glen seconded" to read "Jim motioned at 7:45pm to approve the lot line adjustment, Chris seconds. All in favor". Jim seconded, all voted in favor.** Mike also suggested to add page numbers and that Selectman's Representative be noted with his name under the In Attendance section of the minutes.

**At 8:30pm, Mike made a motion to approve the minutes from the meeting on December 18<sup>th</sup>, with the adjustment of Selectman's Representative after his name. Jim seconded. John, Mary, Mike, and Jim all voted in favor. Peter abstained as he was not present for the meeting.**

Resident Ken Cohen of 116 Amesbury Rd addressed the Board explaining that he had met with Julie to discuss the town's preparedness for climate change. Mr. Cohen asked how the town is reviewing and preparing for these concerns and is there anything that the public can do to assist. Mike thanked Mr. Cohen for coming and explained that during his time serving on the Planning Board, they have always been a reactionary body that incorporates and stays consistent with the laws. There was discussion and summary of some climate change and weather-related efforts the Board has worked on. Julie acknowledged that it is something to think about and keep abreast of the issue. Mike asked Mr. Cohen is there was a specific area of focus he wants to advance. Mr. Cohen suggested being more proactive and using the research from UNH. Mike suggested that Mr. Cohen discuss some of his ideas with the Charette Committee, in addition to bringing ideas to the BOS if he wanted to organize a separate committee for these efforts.

**At 8:52pm, Jim made a motion to adjourn the meeting. Mike seconded, all voted in favor.**

Respectfully submitted,

Chelsea Lalime