

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, August 19, 2014  
7:30 PM**

**Meeting Minutes – approved 9-16-2014**

In Attendance: Kate Mignone; Peter Merrill, Chairman; Joan Whitney, Vice Chairman; Jim Thompson; Theresa Walker, Rockingham Planning Commission.

**Peter called the meeting to order at 7:37pm.**

**Driveway Permit**-none presented.

Peter changed the order of business to be able to hear the members present address the board.

**New Business:**

**Frank Whittemore- Consult-** Hobbs Road; Map 13 Lot 19 & 19-1

Mr. Whittemore approached the board and shared the information with them on the lots that he owns off of Hobbs Road. He presented a plan that was recorded as D-9703 in July of 1980. He would like to do a Lot Line Adjustment to clarify current lot lines. He did a sketch to indicate to the board where he would like the new lot line to be. He explained that the confusing subdivision was so that both parcels have road frontage. They bought the rear lot so that they would be able to adjust the lot lines and have lot M13 L19-1 with no frontage and an easement over the front lot to access the rear lot. Mr. Whittemore is trying to correct an issue of unclear boundaries that was created and have the two lots have definite boundaries that are clear to both lots. The board suggested that he start with the Zoning Board of Adjustment for a variance to create a non-conforming lot to fix the current problem with the two lots.

**Land locked parcels; pre dating current zoning – Map 9 Lots 16,17 & 18**

Peter had attended the Selectmen's meeting and was asked to review the meeting minutes and tape of the last planning board meeting to see what the specific questions were concerning the back lots to 39 Wild Pasture Road. Peter explained to the board the legal representation in no way referenced the information that was provided, and what he made his legal opinion on. His comments were vague and did not specify the current lots. Donna explained that she had never seen the attorney's response, but whatever they said was that they need to have separate driveways. She showed the board the minutes to the Selectmen's meeting where they explained that they would all need to have separate driveways. Donna is asking what else is needed. Usually when the board looks at the driveways is during the subdivision phase. In this case there is no subdivision. Norman clarified that he did read the council's comments and based on the general opinion he gave, the back lots were buildable lots. He explained that the board wanted to make sure what the planning board's comments were before writing a letter saying that they are buildable lots. From what he got from legal counsel and what the Selectmen have talked about they are buildable lots. Peter was pointing out that there was not careful research done by the attorney, according to his email response. He asked Donna what research she had done and she responded that she had done case history and researched the deeds back to 1909 and 1883. Based on the Administration's Assistance's interpretation of the lawyer's response and what Donna had provided to the board, the determination was made by the board of selectmen that they were buildable lots. Donna explained that she agrees that council was vague, but they still have to do the septic designs and perk tests done. Peter explained that this is setting precedence and they want to make sure that the process is documented. Donna explained that the School District and the Felch's over on 84 actually set the precedence years ago. Joan explained that the town can't deny access to a lot of record. Because the subdivision process was not utilized in this situation, things like driveway review are not done. Peter explained that the fire department access and police department access is a possible issue. The back lots have not been taxed as building lots, just as backland. Donna explained that the town's process for lots of record is not good. She has been going to every board to get the approval to build on these lots. Norman explained that this is a new issue and with that comes learning and involves a number of people.

She explained that other towns have a process for lots of record, and the town does not have a process. Joan suggested that the builder or Donna bring a site plan indicating the driveways, as a courtesy, to the Selectmen during the building permit phase. The Planning Board is going to look into implementing a process that the town will follow in the future. Possibly implementing something that states any driveway over a certain number of feet will need a site plan review. There should be a dialog between the Selectmen and the Planning Board.

Norman explained that the town and board of selectmen need to be more responsive to the situations, and have an open dialog with the planning board. Norman clarified that the Planning Board had approved the driveway permit for 39 Wild Pasture Road the previous meeting. Donna needed something on the town letterhead that indicated that those lots can use a deeded right of way to access the buildable lots. Norman explained that she could see Lynne on Wednesday for the necessary letter.

**Storm Water Ordinance:** review

Theresa would like to have Julie LaBranche come in and talk to the board about the regulations and where they want them located in the ordinances. Also, what will trigger them to be implemented, or is this just in certain areas of town. Theresa explained that the benefits of a standalone ordinance would be that it is all in one place. Kate felt that she would like to have people think about the green aspect more, and would like to see something that incorporates more green into the ordinance. Theresa explained that there are a lot of different ordinances out there. She also explained that at the passing of this ordinance the existing construction is strongly encouraged to follow this regulation. The town of Durham and the University are integrating storm water irrigation; their goal is to protect the water quality. She believes that it will make the review of storm water easier with the checklist for the town engineer to follow. Peter asked if Julie LaBranche could be invited to the next meeting.

**OLD BUSINESS:**

Signing of the Pinnacle Site Plan: not signed.

**Zoning Book Update-** held off due to time.

**OTHER BUSINESS:**

**8 North Road-**

Theresa brought up that Mr. Fritton from 8 North Road contacted her in reference to a Bed and Breakfast that he was attempting to establish at his current residence. He is not going to make any changes in the home but will be turning it into four guest rooms. She prompted him to think about what he would need for permits. Possibly new septic, with added bedrooms, commercial kitchen approval, grease traps, additional parking. His application is already on the Zoning Boards Agenda for September 2, 2014. Theresa asked if there was something that the board would like to address about the property. Peter explained that there are some towns that require sprinklers at least in the kitchen. Joan commented, if you are looking at reuse of a historical building and you put those regulations on them it would make it difficult for the owners to make use of the older homes. If you are preserving character and trying to preserve the historical buildings in town it is a reuse. Peter believes that if you upgrade to commercial kitchen that is not keeping in line with preserving the historical aspect.

**149 South Road-**

Norman explained that there were some issues with the building inspector and the person renting the space. He explained that there have been no further permits pulled for the business. The use was not abandoned and the taxes were paid as the building sits. They might not have to come back, if they were actively marketing the property, or intent, was to keep the same use. Theresa explained that the building inspector had the right to access the property as the building inspector. If the inspector did not identify himself, then that is different he should always identify himself when accessing someone's property. Peter explained that they would need to come for a site plan review if there is a change in use. A portion of this residence is located in the newly adopted flood plain. Joan asked if a business reopens would there be a check on an old septic system, and if there is a mechanism that checks to see if it is functioning properly. The board was

said no, unless the bank requires it. If they change the use from 60 seats to 100 seats they would need a new septic design. Joan would like Kathy to look and see if we have a septic design for the business.

***Approval of July 15, 2014 meeting minutes. Peter made a motion to amend in relation to the Maplevale Builders section of the minutes, Joan seconded, all in favor. Peter would like 12 sentences down under Maplevale Builders. Town council did not state what the specifics were for their conclusion that the lots were buildable lots. Jim abstained;  
Joan moves to accept the complete minutes with amended section Kate seconds, all in favor.***

**Temporary Police Department Trailers-**

Norman wanted to address the issue with the temporary trailers where the parking lot is for the Town Hall. He wants to make sure that the board is aware of the current proposal. They will have to fill in some of the area there for the site work. The pad will be around 68 feet. How close do you come to wetlands when you fill something in? He is bringing this up because he doesn't want to run into a problem that they are not anticipating. The Department of Labor is saying that the police department has to be moved into more permanent facilities. He is asking the board what is considered wetlands. There is a soils map in the zoning book that is hard to see, but is a starting point. Kate suggested having the Conservation Commission go out there; they might be able to figure it out. He wants to make sure that if there are questions he will know the answers to them. Peter asked why they did not go into a single double wide trailer. Norman explained that was discussed.

**Next Meeting –September 16, 2014**

**Joan made the motion to adjourn; Kate seconded all in favor 9:50pm**

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk