

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
TUESDAY, OCTOBER 21, 2014
7:30 PM
MEETING MINUTES
Approved 11-18-2014**

In Attendance: Joan Whitney, Vice Chairman; Bob Solomon; Jim Thompson; Peter Merrill, Selectmen's Representative; Julie LaBranche, Rockingham Planning Commission Circuit Rider; David Buxton, Road Manager

Called the meeting to order at 7:38 pm

Driveway Permit-

Pinnacle – Cottage Road-

David explained that the Pinnacle driveway will be paved all the way down the existing gravel driveway to the field. Dave told the board that there is not a significant slope in the current driveway and that there is proper drainage already existing.

Bob made a motion to approve the driveway permit, Jim seconded all in favor.

Unitil- Drinkwater Road-

Ball field at Unitil access (Pending) Unitil will be doing an engineered plan to present to the board at a later date.

New Business:

Storm Water Ordinance: Explanation and description

Joan asked if anyone had any suggestions or comments on the Storm Water Ordinance.

If the town passes this within regulations then the board can change it at a later date with a public hearing.

If the board puts it in as an ordinance it will go to the legislative body for a vote at an annual town meeting.

She is wondering what the board would like to do.

Julie asked what area within the ordinance the board would add this to.

To cover the whole town and new development it would need to be within the regulations sections:

- Site plan to cover the multifamily development and nonresidential development
- Subdivision could be applied to only the road infrastructure and you could also add another level by stating the Best Management Practices should be applied.

Joan this is to prevent someone from dumping water onto the neighboring property.

Julie explained that it can apply to the drain infrastructure so that the water is kept on the landowner's property and not dispersed onto adjacent properties.

If the board wants to pick up all of the individual lots and lots of record, or whole town you can do a one page best practices for individual home lots within the ordinance section of the zoning book, this will state what the techniques, tools and methods are that can be used. The board can then stipulate what they want to focus the ordinance on.

If it is in the subdivision and site plan review regulations it would not cover existing structures, or expansion of development on existing lots. There is one page that covers this now.

The board discussed the goals for the ordinance, and what they want to implement:

- Affect the entire town (needs to be in the zoning)
- Water on site retained on the site, so far as practical
- Aggressively approach it
- Not tremendous expense on homeowners and new developers
- This is not to be difficult it is for treatment of individual lots to avoid conflict and intentional or un-intentional direction of storm water onto someone else's property.

Joan explained that the conditional use processes can be used for relief, but any appeal would go to superior court and not the ZBA which is different than a lot of the other processes.

Julie explained that the NH DES has published the "NH Homeowner's Guide to Storm Water Management." That is a great reference. Follow link below for the PDF. This instruction sequence is easy to follow and has illustrations to show what is intended.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCQOFjAB&url=http%3A%2F%2Fdes.nh.gov%2Forganization%2Fcommissioner%2Fpip%2Fpublications%2Fwd%2Fdocuments%2Fwd-11-11.pdf&ei=kTtNVomYL5fasATYxYKwBw&usq=AFOjCNFPX3P5vL6c6fxha2ofcZc45gCRUw&sig2=6KS8bPaxge8kop2IQJoMxg>

Julie suggested using the new precipitation data that is available. It is now through 1990, old data was from 1975. Joan suggested that the NH DES should be included someplace for people to know about. Sequence of instruction for BMP should be included with the building permit so that the building inspector is aware of what to look for. Bob addressed the concerns of the long driveways in town that the planning board does not have jurisdiction over them beyond the 13 feet. Peter explained that this will help with those longer driveways and the run off from them.

This model adds another level of performance standards, and is to capture other developments that don't meet the threshold for permitting. The board discussed the different square feet that the landowner could use and the criteria they would have to meet. Waivers could be used for square feet under the amount decided on as long as they meet the minimum standards. Does this also affect the agricultural use of a property as well, and single family dwellings were not included in this version of the ordinance. If someone does a lawn 2,000 square feet (40x50) would be used up quickly. The threshold could be for not just disturbance but for 2,000 square feet of impervious surface graded. The board agreed that would be a better threshold. Joan explained that the forestry would be affected with the use of the word disturbance. Julie explained the verbiage of disturbance instead of impervious was used because it was targeted at subdivisions, road infrastructure and commercial development. Julie will cut down the ordinance given out to a few pages that will bring out just the ordinance for the board to review next meeting.

Properties that are vacant can have liens on them for not taking care of water runoff in extreme cases, only if the town has to repair the issues.

What would the board like to use :

- Thresholds;
- What kind of development
- Impervious surfaces
- Best Management Practices, or other
- Applicability of how you would treat new development
- Developments that expand would be required to treat at least the new part
- Planning and approval and maintenance plan
- Would town require self-monitoring, where a form would have to be submitted every year stating what they have done in the past year.

These would be the core management that would need to be addressed to make the ordinance affective.

Bob explained that the engineers will be what the town will rely on. Peter explained that our engineer will have to have the training to be able to implement the new storm water precipitation data. Bob asked if we can just drop this into the ordinance or do we have to use the model and adapt it to our town. Julie explained it would be about seven pages when complete. There is a way to break it up,

- you can do where, why and how it applies to
- Best management practices
- Storm water management plan

This would shorten it up some to four to six pages. The board will have to educate and let people know why the board is implementing this. Article 4.1.1 would be the whole ordinance and it could not be broken up and referenced. Julie will create the leaner ordinance and will craft the descriptions for the board. The board is feeling that it is pushing it for this year; they would like to shoot for next year.

The board wants to invite the Conservation Commission to come to the meeting along with the Building Inspector, and the Zoning Board of Adjustment for their input on the suggested ordinance.

OLD BUSINESS:

MOU with State- Kathy updated the board that the board that the Selectmen are reviewing the wording and will be discussing it at their next meeting on November 3, 2014.

Zoning Book Update-

- Board would like to see numbering different than the first section.
- Clarify sections with notations on bottom of page.
- Check to make sure definitions are not conflicting
- Modify the engineer definition
- Add a Definition of Residence

Zoning Board of Adjustment:

Kathy gave the board an update on the Case that was before the board, and that they overturned the Selectmen's decision to issue the cease and desist. The Zoning Board was contacted by the Board of Selectmen and asked to help draft definitions that would be helpful in the future. The dwelling definition for one, Joan explained that not one of them mentioned cooking. Ours might be to defined, a broader definition might be what the town needs. Alteration is another one of the definitions that were undefined in the zoning. There was also a problem with records both on the town side and the resident's side. There were verbal agreements and not any documents to back up the agreements on the town's side. Julie asked about the definitions that would have been in the building code book. Expansion of use was thought to define a commercial use instead of a residential use. Waste water flow and septic expansion should be determined on flow and not on number of bedrooms. Joan commented that if you add on an in-law the septic is figured at an increase of 1.5 bedrooms, not just the 1 bedroom that might be in it, according to the state standard. Peter explained that it seemed to him that the proof of Bill Grant's approval was on the town, and not up to the applicant to prove.

OTHER BUSINESS:**Telecommunications -not discussed*****Work Session June 4th-***

Joan moves to accept meeting minutes; Peter seconded; all in favor; Jim recused himself

Approval of September 16th, 2014 meeting minutes.

Jim motion to accept, Joan seconds; no comments; all in favor.

Joan asked Bob and Jim to consider being Chairman or Co-Chairman for the next year.

Peter reminded the board that the Legislative forum would be on November 12th, the save the date post card will be emailed to the board, if you can go it is worth it.

Selectmen Update:

Peter informed the board that the board had an informational meeting last night. The Department of Labor gave the town a deadline for having the Police Department in an area with a bathroom by the end of November. The board has reduced the number of trailers to one double wide, and it will be located behind the existing Town Hall so that the water and sewer can be tied into. The board is working on a goal to not have them in these for more than two years. Bob asked about the building committee and if they are active again. They are not yet. Peter explained that at this point Norman is working on the Town Hall with the approval of the previous board. Gutters have been installed on the town hall because the ground is sloped in towards that town hall. When the Town hall was moved back in the 80's they poured a foundation and it was not high enough so they stacked 3 courses of blocks on the foundation, and that was where the water was entering the building. The Board approved and had an impervious membrane installed down the inside of the cellar wall, and the perimeter was dug into and a drainage system was installed. There has been no water since that was done. Joan asked if it is pumping into the wetlands. No, it actually goes into the septic. It also has a battery backup with two pumps.

The next move is to do some type of insulation around the cellar walls, and it was decided to go with closed cell urethane foam and to also do the ceiling. Joan explained that when the police where upstairs they were

still getting sick. Peter was unsure about that. Last week they took air quality samples and are expecting acceptable levels. They did not test up stairs because nothing has been done up there. Jim asked if the Town will be putting people back into the basement. Peter explained that there is no plan until we find out what we have for samples. It costs \$1000 each time the town samples. Building committee will come back into action. This current move will improve the police department day to day activities and will not be permanent. Peter explained that no one will moved back into the town hall until it has been tested and is okay for people to enter it.

Seven to save will be at the Grange at 5-7pm tomorrow. The town hall was one of the seven to save and they gave the town money to help repair it.

Next Meeting –November 18th, 2014

Joan made a Motion to adjourn at 8:55pm; seconded by Peter ; all in favor.

Respectfully submitted,

Kathleen T Felch, Planning Board Clerk

APPROVED 11-18-2014