

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, NOVEMBER 18, 2014  
7:30 PM  
Meeting Minutes-APPROVED**

In Attendance: Joan Whitney, Vice Chairman, Jim Thompson, Bob Solomon, Kate Mignone, Peter Merrill, Selectmen's Representative, Julie LaBranche, Rockingham Planning Commission Representative.

Joan Whitney opened the meeting at 7:35pm.

Joan sent out a memo to the board on having Harold Bragg attend a meeting to discuss his thoughts on the Storm Water Management. He was not in attendance tonight, but commented through a phone call that the building off of Cottage Road would be doing storm water management practices.

**Driveway Permit-**

NONE

**New Business:**

**Storm Water Ordinance:**

Julie gave the town a printed copy of the Best Management Practices for Storm Water Management. Joan went on to explain that it talks about individual homeowner storm water management and gives the homeowner ideas for managing storm water and keeping the run off on their property. Bob asked if these are just suggestions, and they are. The towns will usually do a model to show homeowners what they can do for the BMP for storm water. Kate explained that other towns have programs in place that explain the BMP of Storm Water Management. The board discussed the rain barrels and how they would collect the rainwater from the roof area. Joan went through the ideas and thinks that sketches would be a good idea to add to submission suggestions.

The board then moved on to the Storm Water Ordinance

The board discussed what the minimum thresholds would be on the ordinance. The ordinance was discussed in length. The board would like the Conservation Commission involved in the process and they will be asked to attend the next board meeting. No decisions were made for the thresholds and the board is going to review the document submitted by Julie and have their comments for next meeting. Julie explained that pages 1-9 of the ordinance submitted is the full ordinance, and it would be put into the ordinance through the Town vote process. From page 10 on is broken out to be placed into the site plan review and subdivision regulations. The glossary could stay as part of the ordinance and will not be cross referenced any place else. The difference is that putting the Storm water into the ordinance section is voted on by the town and the regulations section is a public hearing held by the Planning board. Bob asked the difference in the two suggestions. Julie explained that in zoning you can separate by zones or districts. Kate explained that you could attach it to the Aquifer Protection District if the board wanted to. Joan would like to see this as an ordinance eventually, but would like to see it in subdivision regulations now. Julie went through and explained the elements to the board. There was some discussion, but mostly just explaining to the board examples of other towns. Joan would like to see it in the Subdivisions and Site Plan review, and Kate stated that the board can apply a threshold to see if that is going to work within the subdivision and site plan review, which can be changed with a public hearing if it is not working the way the board predicts.

Joan commented that the easiest way to implement this would be to put the Storm Water Management into the regulations this year, and then put into the ordinances next year. She also stated that the Site Plan Review and the Subdivision don't get used very often. Bob asked what the advantage is to having this be an ordinance vs a regulation. Julie clarified that the ZBA could hear the case unless there is a conditional use permit built in; this language actually has one built into it already. It is under the special use permit for storm water. Julie thinks it should be up to the Community to decide, so that they are treated equally and it

has the voter support. There is not any other reason to put it in one section or the other. Bob questioned that the only place that it would not cover is a grandfathered lot and a lot of record. Julie agreed. She explained that other towns have a lot of board members are elected in the State and that is why some towns opted to have this in the ordinances to prevent the board from being able to change it, it would have to go before the townspeople at town meeting to be changed. Joan asked the board to review this and come back next meeting with comments or suggestions on what thresholds they would like to have and what direction they want to go in, Ordinance or Regulation.

**REDC:**                      **Regional Economic Development Center**

The town was sent a letter asking if they have any regionally significant projects that address at least one of the CEDS Goals. Joan and Julie looked through the information and don't feel at this time that Kensington has anything that would qualify for this type of project.

**Articles to present to voters in 2015-**

**No Articles this year, except the definition section that needs amending.**

Definitions need to be updated and created within the zoning ordinance. Some of the definitions the board came up with are in the table below:

<b>Residence-</b>	
<b>Dwelling-</b>	<i>a place where a person lives.</i>
<b>Engineer-</b>	<i>a person who by reason of advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice engineering, and who is licensed by the NH Joint Board or otherwise authorized by the State of NH to engage in the practice of engineering.</i>
<b>Alteration-</b>	
<b>Expansion of Use-</b>	

The board talked about the regulations and that the town only allows one dwelling unit per lot. There is a building code definition for these that should be applied.

The board would like to do a joint meeting with the Selectmen on the 1<sup>st</sup> of December to discuss these definitions so that they will have time for the public hearings required to have them on the ballot in March on 2015. Joan explained that there are issues with illegal dwelling units. The board has been looking at definitions to clarify the regulations. Kathy showed the board the motions for rehearing that went before the Zoning Board to help clarify questions. The interpretation of the ordinance was not understood in reference to the definition of Expansion of Use, Alteration, Dwelling, and Residences. The issue was that the definitions were not clear, and Expansion of Use referred to commercial more than residential. Julie explained that reference of the bedrooms was referring to the residential district because that is what is used to determine the septic in the residential zone. The board would like the definitions of the International Building Code looked at as references. Joan suggested that the board make sure that there is date associated with publications that are referenced in the ordinances or regulations. Julie suggested that they put the publish date and as amended. A copy of any publication should be kept as long as it is being referred to.

<b>INTERNATIONAL BUILDING CODE 2009</b>	<b>DEFINITIONS</b>
<b>DWELLING UNIT.</b>	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
<b>ALTERATION.</b>	Any construction or renovation to an existing structure other than repair or addition.

<b>EXISTING STRUCTURES</b>	The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the New Hampshire Fire Code Saf-C 6000 (NFPA 1 and NFPA 101) or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
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The board discussed the options of having 2 public hearings. It was suggested to do a joint meeting with the Selectmen and let the Zoning Board know as well. We have to have the definitions all worked out for the public hearings. Joan asked if the board had any ideas of the wording for the definitions and they were unclear, and would like to discuss with the Board of Selectmen. They will be attending the Selectmen's meeting on the 1<sup>st</sup> of December, 2014. The joint meeting will be where they figure out the definitions that the board had questions on, and what needs to be clarified for future enforcement. Kathy will send out the information to the board and they will comment back to her.

**Old Business:**

MOU with State-

Julie presented her changes to the board. Kathy will incorporate them into a fresh document and have ready for the joint meeting with the Selectmen on December 1, 2014.

**OTHER BUSINESS:**

None

**Approval of October 21, 2014 meeting minutes**

***Jim made a motion to approve the meeting minutes as presented: seconded by Bob, in favor, two abstentions.***

Peter gave a quick update to the board that the Police Department Trailer will be delivered this week or on Monday of next.

Joan asked about the fines in the zoning regulations and if the sections were amended when the Selectmen's Authority for Fines. Article 1.4 will be deleted and the numbering will not be adjusted. It will be stated that the article was deleted and the date that it passed.

**Next Meeting –December 16, 2014**

Peter made a motion to adjourn, Jim seconded at 10:04pm.

**Respectfully Submitted,**

**Kathleen T Felch, Planning Board Clerk**

