

TOWN OF KENSINGTON
BOARD OF SELECTMEN MEETING
Kensington Town Hall
95 Amesbury Road
Kensington, NH 03833
THURSDAY
March 22, 2018
Meeting Minutes-Draft
4:00pm

In Attendance: Norman DeBoisbriand, Robert Wadleigh, Linda Blood

Others in Attendance: David Buxton, Norman Giroux, Richard Elwell, Sal Ragonese, John Pandelina, and others

Norman called the meeting to order at 4:01pm, seconded by Linda Blood, all in favor.

NEW BUSINESS:

Lambert Subdivision-excavation on lots

Norman stated that the Chief went to the property located off of Moulton Ridge Road last Wednesday and issued a Cease and Desist order and the board has the written document.

He explained that the board of Selectmen are the code enforcement for the town, and that is why this board issued the cease and desist.

It was explained that the activities on the lot were in violation of a state statute RSA 155:E the Zoning Ordinance of the Town of Kensington Article IV; Section 5.1 and the town ordinance on Heavy Hauling.

He continued that there was a planning board meeting on Tuesday where the property was discussed, and in looking back at the Lambert Development and when it was first proposed there was a lot of public input and concerns about drainage, the percolation of the soil, how it would maintain water, and how water would run off of it. The Board of Selectmen had a lot of input in this application. It was his understanding that the engineering study that was done to prove the percolation and the water run off was approved by the town engineer and the applicants engineer. With the recent activities there has been a disruption to the soil and that approved plan. Bob stated that the issue was discussed at Tuesday night's planning board meeting and there was some discussion on the drainage and that board is looking to request an engineered plan and have the current owner return to the planning board. He also talked to Dennis Quintal, who was the town engineer on the project, and explained that he has some real concerns with the current activity. He was involved in the project and would need to view the site in its current state. Norman reiterated that this issue resides with the planning board, and Board of Selectmen issued the Cease and Desist based on the concerns expressed.

For them to get a permit to excavate they would go to the planning board and to run over the roads they would see David Buxton as the Road Manager and the Board of Selectmen having final say.

The major part of the Cease and Desist has to do with a state RSA and the Towns Ordinance. David Buxton explained that the State RSA 155E is a state ordinance, and this is not something created by the town.

The board is unsure why the excavation was started and was not sure if it was for water pooling or not. Sal Ragonese questioned the board and asked if the project was at a standstill. That was answered in the affirmative. Mr. Ragonese then questioned the board about what is required of them to continue. An individual interjected that they need to go back to Jones and Beach to get it reengineered. It was explained that until you get the permit to excavate running the trucks over the town roads would be secondary. The board is going to give them the formal Cease and Desist which will have to be presented by a local policeman. Once the board gets approval from the planning board that the situation is resolved they can release the Cease and Desist. The next planning board meeting will be April 17, 2018 at 7:00pm.

It was explained that the owner would be grading the lot off to sell it.

Officer Chris Maguire personally hand delivered the Cease and Desist letter to Mr. Ragonese at this time. Norman stated that he is unsure what the planning board is going to recommended.

It was explained that they knew about the water run off issue towards the Brick School House and their ideas will eliminate all those issues. With what they plan on doing all the water will drain towards the back of the lot away from the school house.

Norman Giroux, building inspector, reiterated that there cannot be any more excavation until they meet with the planning board. Norman explained that they need to have a permit to excavate the land before continuing anything on the lot. Mr. Ragonese stated that the excavation permit is given out with the building permit. Norman explained that there was more excavation done then what is done with a normal house lot, and to do that type of activity you need a permit through the town. The permit can be issued through the planning board.

They thanked the board for explaining and exited the meeting.

David suggested for the owner to get the planning board involved and see what they can do now.

The excavation is right on the lot line and the RSA states that you need to be 50 feet from lot lines with excavation.

Norman Giroux explained to them when he did the inspection of the cellar that they were going to have a water problem there. If the water situation isn't taken care of then the perimeter drain will not work either.

The owner returned to get copies of the RSA and zoning. Kathy handed him the folder copies.

Kady Lane Logging: Kathy had spoken to Mr. Varney today and he is already contacting a bonding agency to see what can be done, and they are asking what the town requires in a bond. David suggested to contact the insurance company for bond language. He explained that his main concern is Oak Ridge Road because it was just done a few years ago. David stated that he had just measured Oak Ridge Road, and it would total about \$37,000 to repair, but where Kady Lane is not 100% the town might not be able to collect on the whole amount for the road.

The total with both roads in good shape would be \$85,000. In taking the 40% away from the Kady Lane calculations the bond requested would be roughly \$65,000. Kathy will send the insurance agency the ordinance language.

Norman made a motion to leave public session, Bob seconded, all in favor.

Respectfully submitted,
Kathleen T Felch