

**TOWN OF KENSINGTON  
BOARD OF SELECTMEN  
MEETING MINUTES**

**December 1, 2014**

***Approved January 5, 2015***

**In attendance:** Norman DeBoisbriand, Robert Wadleigh and Peter Merrill were in attendance. Norman called the meeting to order at 7:03pm.

***JOINT MEETING WITH PLANNING BOARD:***

Norman made a motion to open the joint meeting, seconded by Bob with all in favor at 7:03pm. Mike Schwotzer made a motion to open the planning board joint meeting at 7:05pm seconded by Jim Thompson with all in favor.

Peter asked how the planning board would like to proceed regarding the definitions in the zoning ordinance. He inquired if the term “residence” should be separate from “dwelling” or made interchangeable. Joan Whitney wanted both terms interpreted the same seconded by Jim Thompson. Mike read the current ordinance which states “There shall be no more than one single family dwelling or residence on a lot of record.” A dwelling unit is defined as “a single unit providing complete independent living facilities, eating, cooking, and sanitation. He advised that opposing counsel stated by removing the stove, there was no longer cooking facilities. Peter suggested changing the terminology to meal preparation because eating and/or meal preparation gives the ability to reside and dwell. Mike asked if town counsel was contacted to review the definitions. Lynne advised they weren’t because of the cost. They would like to send it to them for approval after the definitions are crafted.

The Board reviewed the issues surrounding the zoning hearing that inspired these changes. They asked Mark if he had any recommendations:

- Keeping track of the construction process and documenting steps in the process to be sure the end was what was originally permitted.
- Accurate plans and to sign off on and approve every step of the construction process.
- Record this information in the property folder.

Peter suggested adding a section to the permit to include a check box if a dwelling is the intent of the application.

Mike read the definition from the International Residential Code book (IRC).

Joan Whitney researched definitions other towns use. The final definition for **residence** and **dwelling** drafted was:

A room or group of rooms in a structure designed or used as a place for independent occupancy, by person or family ,without need to use other areas of structure or another structure for meal preparation, sleeping, living, or use of sanitary facilities.

Mike read the definition of “**Alteration**” from the 2009 IRC Book. Kathleen found the 2012 definition which was slightly revised and more stringent.

Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in the mechanical system that involves and extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

The Board decided to proceed with this definition.

Mike then read the definition of “**Engineer**” –

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.

Both Mike and Peter agreed this was a sufficient description.

Mike read the definition for “**Existing Structure**”-

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.

Mike reported the State code is more restrictive so he would like to use it in our own zoning.

Peter would like to revisit the definition of “structure” at some point. Peter was concerned about personal properties building retaining walls which do not need to be permitted. Mike advised the one at Rose Petal Estates was reviewed at the time of the subdivision. Peter was concerned for safety for walls that aren’t being inspected that should have engineering and oversight because walls over four or five feet need additional work. Mike didn’t believe the Planning Board reviews individual lots; that would fall on the building inspector and Board of Selectmen. Peter said due to our ordinance, there’s no permit required, but when does it become a structure? Joan replied it could fall under storm water management. He asked her to run it by Julie at the Rockingham Planning Commission.

The definition for “**Expansion of Use**”- Within Septic Regulations on page 122.

An increase flow of wastewater into a septic system created by; An increased number of bedrooms in a dwelling unit; An increase in the number of employees in a commercial use; An increase in floor area or increased number of seats in any building resulting in increased wastewater flows.

Kathleen believes this is for commercial construction rather than residential. Mike suggested adding an additional line change within a structure to cause additional flow rates. He said they need to place punctuation in the definition so each one is a separate sentence.

Mike asked if these will be added with the other definitions in the book and Kathleen confirmed they would. They will work on the definition at the next planning board meeting.

Norman inquired about the septic system where a resident had a pump placed in their garage. He asked if the County should've inspected it. Because they decreased the number of bedrooms in the existing structure they assumed it was appropriate to add to their septic. Mike reported this is why the definition needs to be cleared up. Norman thought it should need a new design for adding to the leach field. Peter asked Lynne to follow up on this question with NHDES.

Mike made a motion to send the definitions to the planning board public hearing on December 16th, seconded by Jim with all planning board members in favor.

Norman made a motion to close the joint portion of the meeting and proceed with the selectmen's public meeting, seconded by Peter with all in favor at 7:36pm.

Mike Schwotzer made a motion to adjourn the planning board portion of the meeting at 7:36pm, seconded by Jim Thompson with all in favor.

#### ***CITIZEN'S FORUM:***

Terry Fyler of 146 South Road attended to address a concern regarding the impact to her home from lighting at 149 South Road and believes it violates the lighting ordinance. Norman advised this is on the agenda and will be discussed later in the meeting.

Peter LaChapelle of Waste Management attended. He reported they were the least expensive bid for the Southeast Regional Refuse District. He advised they can extend the bid until January 1<sup>st</sup> if we miss the December 17<sup>th</sup> deadline. He will find out when the contract will be finalized.

#### ***DEPARTMENT HEADS:***

**Police Department**-Chief Sanders reported:

- He presented documentation to the Board for the cruiser proposal. The cost is \$25,741 and they will give us \$14,200 for a trade in for the charger. They can do a two year or three year lease. It makes more sense for two years to help with vehicle rotation. Chief explained to Peter the municipal police lease package which has government pricing set through the state bid. His current lease budget is \$17,600 and as of now he is anticipating \$13,500 from his part time salary and \$16,500 full time salary surplus in his budget. Peter made a motion to proceed as presented seconded by Bob with all in favor. Norman preferred a two year lease and Bob and Peter agreed.
- Chief will schedule a meeting with Mike Schwotzer for a capital improvement plan for the Toyota.
- Peter made a motion to establish the prosecutor as a part time employee instead of a contractor effective January 1<sup>st</sup>, seconded by Bob with all in favor.
- Trailer update schedule:
  - IT came over the weekend for the closet and power needs and provided some suggestions and better power situations so it's secure and to prevent any surges.

- Sgt. Cain scheduled the locksmith for the trailer and town hall.
- Once the electrician is finished, they will schedule Comcast.
- Phones are installed.
- Electrician estimate:
  - Don's Electric -\$6,500.
  - Celtic Electric - \$1,600.

Bob asked Norman to have Celtic meet with Peter so they are comparing the same items in the bid. Bob made a motion for conditional approval for the lower bid, seconded by Norman with all in favor.

- Peter will call Dave regarding the snowbank at the trench location.
- Need to hire a moving company.
- Working on installing the ramp.
- Chief suggested having the electrician see what is needed for added security at the town hall and the back door of the trailer.
- Peter will discuss trenching, jersey barriers and crushed asphalt with Dave.
- The plumber is finished.
- Skirting is being painted and T111 will be installed.

**Fire Department-** Chief Leblanc didn't have anything to report.

**Building Inspector-**Mark Sikorski presented the following building permits:

- **KLCT Holdings**, 267 South Road, 4 greenhouses. Peter asked Mark if he has any experience regarding the retaining wall due to the nature of engineering that would be needed for a wall this size. He asked if it would typically be shown on the plan and asked if the greenhouses could be built there if the retaining wall wasn't installed. Mark responded it doesn't relate to it by the purpose of the permitting process and has no burden on the permit as far as our ordinance is written. Norman was concerned if another property could be affected by surface water. Bruce responded it is being diverted the other way into catch basins. Norman asked if there will be furnaces in the greenhouses and Bruce said no. Norman made a motion to approve the permit as presented, seconded by Peter with all in favor.
- **Pinnacle Leadership Foundation**, 199 South Road, ground mounted solar panels, Peter confirmed with Mark that he will be inspecting the foundation. Norman asked why they didn't supply plans for the foundation as part of the permit. Mark said the concept and size of system is what is in the permit. Peter said he's comfortable with the process and what he knows about these to make a contingent approval. Peter made a motion to approve the revised permit contingent on them providing the engineering plans from Revision Energy to Mark, seconded by Bob with Peter and Bob in favor, Norman opposed.
- **KLCT Holdings**, 267 South Road, pole mounted solar panels, Mark suggested the same contingency as the last permit and he will hold them to it. Peter made a motion to approve the revised permit from commercial to agricultural, contingent upon receipt of proper engineering plans provided to Mark, seconded by Bob with Peter and Bob in favor, Norman opposed.
- **Doyon**, 34 Cottage Road, wrap around porch on rear and side of house and replace double window with a French door. Mark just received the plot plan and he's satisfied

with the information that has been provided and recommended approval. Peter made a motion to approve the permit, seconded by Bob with all in favor.

- **The Farm-** Mark reported he inspected the doors that open inward and advised since they are not a place of public assembly, they don't follow the same guidelines. He spoke with the employees about keeping the doorways clear.

**Road Manager-**Dave Buxton was not in attendance but reported there was minor storm cleanup.

**Emergency Management-** Robert Gustafson reported:

- He is processing the administrative paperwork for the drill.
- The LEOP project is still waiting on new forms from the State.
- The Seabrook quarterly meeting will be held in mid-December.
- Norman asked if there are any document recovery plans and Bob responded its part of the LEOP continuation of government which was last updated in 1991.

**Assessing-** Kathleen Felch presented the following for signatures:

- Memo of Understanding
- Wage reporting
- Equalization ratio form. The proposed rate is 96% but Avitar is still awaiting final approval from the Department of Revenue.

**Tax Collector-** Carlene Wiggin did not have anything to report.

**Town Clerk-** Pamela Kehoe was not in attendance.

**Recreation Department-**Donna Carter reported the holiday stroll was a success with 70-80 attendees.

**Conservation Commission-** Members were not present.

**Sawyer Kensington Trust-** Bruce Cilley reported:

- The bathrooms at Field C were pumped out and he'll add antifreeze tomorrow.
- The park was closed today for the season.
- He will winterize the main concession stand at no charge to the town.
- A pre-bid meeting was held on November 19<sup>th</sup> and the site walk was held on November 20<sup>th</sup>. Two vendors attended. The bids are due by December 10<sup>th</sup> and will be opened on December 17<sup>th</sup> at the Sawyer Kensington Trust meeting. He invited the Board to attend.
- The Trust will coordinate a date to move the benches and picnic tables, and put away the netting, etc. until April.
- Bruce offered to rekey the locks at the park at no charge to the Town. Norman and Peter accepted the offer.

**Building Committee Update-** Peter gave an update on the progress of the town hall and police department trailer:

- Peter reported he met with Norman and WH Demmons who did the monitoring of the town hall air handling system. They advised what would be necessary to start up the

furnace since the water supplied to the temporary trailers originates in the town hall. Norman reported they determined the best course of action is to use the ducts to upstairs and point them downstairs to heat to keep pipes from freezing and allow the workmen acceptable temperatures. He stated a good portion of the town hall was heated with hot water baseboard but as a result of the waterproofing, the baseboard was removed. Lynne will confirm oil was delivered. The oil tank is an underground poly tank which they decided to use the oil burner instead of propane to limit costs. Peter reported the metal studding will be installed soon with a reflective barrier against the walls. Then the electrical can be replaced and spray foam insulation will be installed in the walls and ceiling. They felt the air handling should more than compensate for what's being done there.

- Donna asked about the results from the October air testing. Peter responded he spoke with Dennis from RPF and was told there was nothing that would cause any concern and when the air handling system is turned on we will have filtration which will radically eliminate issues as long as we change the filters regularly. Norman reminded the Board they will need to look into the rotted wood near the lilac bush.

### ***NEW BUSINESS:***

**149 South Road-** ~~Louisa~~ Luisa Pereira, owner, and Yvette Kuzarian, lessee, were asked to attend to discuss a complaint received regarding the outdoor lighting. Norman advised there was an inquiry by neighbors regarding the intensity of the lights and them staying on all night. All three selectmen drove by and thought they could adjust the cone. ~~Louisa~~ Luisa reported these were installed by Unitil. Yvette spoke with Ms. Fyler and her husband and already asked Unitil to see if they could change the direction of lighting downward. The intruding light is the 250watt light in the rear of the parking lot. Since the lights have been installed, the thefts have stopped. ~~Louisa~~ Luisa was concerned because patrons will be pulling in and out of a dark area. Ms. Fyler asked if another light could be installed and said the other two lights aren't a problem. They also suggested putting them on a timer. Ms. Fyler believes the light is directed up the hill into her home and asked to turn it downwards. She was in agreement with utilizing a timer.

Peter said if there was a site plan it would've looked at the cone of lighting. Mark said many towns are strict on light pollution. The zoning ordinance states it should not glare on abutting properties. They need to find a way to have security lighting without intruding on neighbors.

~~Louisa~~ Luisa said they will try to do everything so neighbors aren't bothered but if they have inadequate lighting and something were to happen, she'll say the Town made her do this. Unitil was aware of what was needed and recommended the wattage. The poles were preexisting from the restaurant. She's sensitive to this issue but it's a restaurant and needs lighting. Norman feels they can work together to find a solution. He'd like to see if Unitil can adjust the cone and see if this solves the problem. If it doesn't, they will go to Unitil and ask for another possible solution. Yvette will call them tomorrow.

Mark suggested sometimes when you are trying to illuminate a large area, more lower lights are not as intrusive, however there is an added cost if you pay a fixed amount per fixture. It might be cheaper to have a lower wattage. Yvette said there aren't any other poles located on the

premises. Donna said she pays \$18.50/month for the light near the store. Bob made a motion to have Norman represent the Board regarding this matter, seconded by Peter with all in favor.

The Board advised Yvette and ~~Louisa~~-Luisa of the visibility concern while exiting the parking lot. They reported some bushes have already been cut down. Yvette wants to have the east side as an entrance only and the westbound exit is sufficient either way. She has been in contact with New England Barricade for signage.

~~Louisa~~-Luisa asked Norman for a reply to her emails she's sent him regarding working with Mark. She will need an inspection soon and wants to know who to address her construction questions to. Norman will contact her within the next couple of days with a response.

**Street Renaming-** Kathleen presented the suggested names from the pending new homeowners on Wild Pasture Road. She advised the E911 agency will not allow new homes to be assigned with an A,B, or C. Since many of the suggested names were similar to surrounding communities, E911 rejected them. Donna submitted new names but they haven't been sent to E911 yet. Norman and Bob agreed as long as the names were approved by E911 they would be acceptable.

### ***OLD BUSINESS***

#### **Administrative Assistant:**

- **RPC Master Plan-** Lynne presented it for the Board's review.
- **MS60A-** Peter made a motion to use Vachon, Clukay and Company again as our auditor next year, seconded by Norman with all in favor.
- **Municipal Pest Management Permit Application-** The Board requested copies of the attachments indicated in the permit prior to signing.
- **Library Water Testing-** Lynne advised the well installer suggested testing the water this year. Peter asked Kathleen to send the proposal for the water testing to two other companies to see if they can match the offer.
- **Noise Complaint-** A letter was submitted asking to come before the selectmen to review this complaint. Lynne will have them attend the next meeting.
- **Insurance Individual Billing Renewal-** Norman signed.
- **Exeter Ambulance Bill-** Lynne confirmed that Comstar is billing for the ALS service from Exeter however not all are being properly processed when the reports are entered. Comstar is reconciling to our records and will rebill if necessary. Kathleen explained the process and how the ambulance fund works. Peter asked why Exeter ALS is being utilized and if training is the issue why we don't have anyone available. Norman reported it costs approximately \$37k to run the ambulance but wondered why this revenue can't be used to offset these costs. Lynne reported it was set up by a warrant article and if the Board wanted to change it, they would need to submit a new warrant article.
- **Safety Committee Meeting-** Kathleen asked for an update. Norman responded he will try to set one up within the next two weeks. They did not conduct a meeting in the third quarter, but there will be one in this quarter.

- **Fire Truck Paperwork-** Lynne advised Norman he was appointed as the person in charge of contacting Lakes Region to resolve this issue. NOT DISCUSSED.
- **Daytime Ambulance Coverage-** NOT DISCUSSED.

**Bills & Mail-** Bills were approved and signed.

**Insulation Bids-** Peter presented the bids:

- DF Richard \$21,587
- Wilson Doors \$17,400

Wilson can start in three weeks and DF Richard is booked well into January. All agreed it is cheaper and preferred using the spray foam method. Norman made a motion to approve Wilson Doors bid for spray foam insulation of the studding of exterior walls and ceilings for \$17,400 seconded by Peter with all in favor.

**Meeting Minutes-** Minutes were not approved.

**Next Meeting Date-**December 8, 2014 Budget Meeting and **December 18, 2014 7:00pm** in the Kensington Elementary School Library.

**Non Public Session RSA91A:3,II(a):** Peter made a motion to enter non-public session at 10:17pm, seconded by Peter with all in favor. Employee issues were discussed. Peter made a motion to leave non-public session and seal the minutes at 10:40pm, seconded by Norman with all in favor.

The meeting was adjourned at 10:40pm.

Respectfully submitted,

Lynne Bonitatibus  
Administrative Assistant