

KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
TUESDAY
May 16, 2017
7:00 P.M. AT THE
KENSINGTON TOWN HALL
95 Amesbury Road
Meeting Minutes - Approved 6/20/2017

In Attendance: Bob Solomon, Chairman; Kate Mignone, Vice Chairman; Joan Whitney, Jim Thompson, Glenn Ritter, Julie LaBranche, Rockingham Planning Commission Rep.

Bob opened the meeting at 7:07pm and informed all present that a member of the board had to recuse himself from the discussion on the subdivision off of Osgood Road for the Consult. Glenn Ritter was called to see if he could attend for that section of the meeting. He is on his way, so he moved the agenda around to take Lynne Monroe and the discussion of the PlanNH first. Mr. Ricci stated that it is just a consult and a quorum of the board was not needed for that, but Julie read RSA 676:4 which stated:

II. A planning board may provide for preliminary review of applications and plats by specific regulations subject to the following:

(a) Preliminary conceptual consultation phase. The regulations shall define the limits of preliminary conceptual consultation which shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice as required under subparagraph I(d), but such discussions may occur only at formal meetings of the board.

Her understanding of the RSA was that would require a quorum to hear a preliminary review.

Lynne Monroe stated that they would be 15 minutes or less so she and Peter Merrill approached the board to explain about the process for the PlanNH and the Charrette. Ms. Monroe explained that there was a group of people discussing the idea of the PlanNH for a couple of years. She explained the Charrette and that it is a lot of people getting together in a compressed period of time to work together on issues. If it is accepted they are trying to get a couple of hundred people together to participate in the event. Mr. Merrill asked the board to think about the survey that was done a few years ago and that interactive workshop was a 3 hour event. This will be like that but will be a whole weekend event that is much more involved, they will walk the people around town and help them to get to know Kensington. They will go back with the information gathered and create the Charrette for the town. Bob asked them to describe the background of the people that would be compiling the information. Ms. Monroe explained that they would be engineers, architects and planners from all over the state that volunteer their time to PlanNH, as it is a non-profit organization. Ms. Monroe explained that the Board of Selectmen has asked them to get support and bring it back to them next week. This application is focused on the town center only. She passed out the applications to the board. Kate asked what the town has to gain from this process. It was explained that the town would discuss the problems it has and this group would come back with some solutions, and ways to implement them if the town chooses to. Kate asked what some of the problems are right now. Ms. Monroe explained that there has been a building purchased at the other end of the town across from the Library, and that building will be given to someone, or organization for the use of a community center. The property has connections to the Grange and the park. Some of the other issues were that the town does not have sidewalks, bike lanes, and are they a good or bad idea. Kate asked if PlanNH was affiliated with the NHDOT or any other State organizations, Ms. Monroe was unaware of any affiliation, but they are highly respected. Julie commented that she has seen some of the products and they typically produce

a narrative that contains the discussions that happened and put them into the multimedia document.

Kate is struggling with the fact that the proposed project is on a state roadway. Mr. Merrill explained that this is not the first time that the PlanNH people have addressed these issues and are familiar with the process.

They are hoping to get the amount for the application through private donations.

Bob asked how competitive this process is and what is the town's chance of actually being approved for this. Ms. Monroe stated that it is very competitive and that the town has a good chance at being selected.

Mr. Merrill commented that listing the town hall on the seven to save and what the town was able to do to bring the town hall back into service, would be considered contributing in an active way. Joan asked when they would be thinking of visiting the town? They would be considering the town for the fall of 2017. There is not a deadline, but the application should be in as soon as possible. They are hoping that the Board of Selectmen will sign the application on Monday night, if they are able to show them that the support of the town is there.

Bob asked if there was a motion of support for this.

Joan moved for the Chairman to write a letter of support to the Board of Selectmen on behalf of the Planning Board, Jim seconded, all in favor.

Bob explained that Jim had to recuse himself for the next agenda item at 7:23pm, and informed the public present that the board will be discussing a preliminary proposal, but all conversations are non-binding on the board.

- Preliminary Consult- subdivision off of Osgood Road- Mr. and Mrs. Ricci were present for the consult, and the engineer explained to the board that they are looking to combine the two properties that will be making up the subdivision. Once combined they will have just shy of 14 acres. It was explained that they will be installing a 66-foot road to access the first four lots off of Osgood Road and then the last two lots will be accessed off of Drinkwater Road. The board asked how this would fit into the reclamation that would need to be done for the active gravel pit, and they were assured that the reclamation would be done per the reclamation plan on file, which would go with the contours listed on the preliminary plan. They have addressed the water runoff and rain gardens will be part of the plan as well as an area talked about by the board that could be done in a public area to account for the storm water runoff. All present thanked the board for the input.

Jim returned to the board for the remainder of the meeting at 7:53pm.

- Food Barn- review of site plan from previously approved use.

Bob explained that after reading through the minutes that the board approved a use for food processing of agricultural materials, and there was no mention of a restaurant at that time. That is a use that is approved in the Commercial District, but that is not what was approved at that meeting. The board has been made aware that you can make reservations so that would be a function of a restaurant. Kate expressed concerns with the septic system and at the time of the approval it was to be used to employees only. Parking was another issue discussed. Julie asked how the board determines what parking is needed. Joan stated they have estimated in the past. Julie explained that there are federal guidelines for parking that the board could refer to. The parking was discussed as well as the use of a crosswalk. The crosswalk that was approved by the State was discussed as well as concerns for adding liability to the town. The Board of Selectmen have not signed off on the crosswalk agreement at this time. Julie stated that the town would be paying for the upkeep of a crosswalk for a private business. Kathy explained that the Farm will take on the cost and the maintenance of the crosswalk, not the Town. Bob explained that Bruce would need to come in and address the parking and septic as well as do a site plan review for a restaurant, which will need to state how

many people will be there, he did note that the operating hours for the kitchen are stated on the recorded plan. Bob asked Kathy to inform the Board of Selectmen about the plans for requesting Mr. Cilley to attend and file the appropriate applications, and that they might not want to get ahead of the planning board with the crosswalk approval. Julie asked if he came back to the planning board to have the current posted sign approved, the original approval was for no sign. Mr. Merrill approached the board with a google map of the business to show that the board that the original site plan which indicated gravel around the building has now been paved. The third-floor loft was discussed and the question should also be asked if that is now being used. **Jim made a motion to have Kathy contact Bruce and ask him to attend and add this as an agenda item for the next meeting, Kate seconded, all in favor.**

Mr. Merrill had questions on the crosswalk agreement with regards to if one agreement had to be accepted before the other. What order should the town follow to protect the town.

Glenn excused himself from the meeting.

Alternates- Bob explained that the lawyer's advice was sent out to the board electronically that was asked for. There is another legal letter for the board to look over. Kathy cautioned the board that if they were to discuss the current letter, and read it to the public then it would become a public document, they could if that is what they wish to do. Julie also pointed out that it stated Attorney-Client Privileged at the top, Julie stated that one RSA was left out of the previous legal response to the boards questions, and stated that the following RSA 673:6 would apply, not only RSA 673:11.

673:6 Appointment, Number and Terms of Alternate Members. –

V. An alternate member of a local land use board may participate in meetings of the board as a nonvoting member pursuant to rules adopted under RSA 676:1.

Mike Schwotzer commented that he did not realize that alternates can't act when there was a vacant position. In regards to voting, alternates would not vote. He stated that the town regulations are what he referred to. He also requested a copy of the legal sections that were made disclosable to the public by the board of selectmen a few meetings ago. In the selectmen's minutes, someone has questioned all the procedures of the board including the hearings on the recently voted on Accessory Dwelling Units and the Signs. The Board of Selectmen just voted to ratify the election from March 16th, so he believes that those questions are answered with that vote. He expressed that there is not an alternate on the board at this time so there is not a question on that anymore. Bob suggested that the board read through the materials. Mr. Merrill stated that they are referring to April 24th meeting. He stated from the posted minutes of the board the following: *"If the planning board's actions had been determined to be illegal because of the improper administrative procedures, are any of the warrant articles that they sponsored and put on the ballot legal warrant articles."* Mr. Merrill stated that if you look to what legal responded, if that addressed that particular question. This is more in the form of a statement, and if you don't refute, defacto you are supporting. Mr. Schwotzer went to the meeting last week, which was a public hearing was to ratify and qualify the votes that happened at the town meeting. The board has stated that those were the results. Bob stated that the public hearing was from the snow delay and not sure that those results have anything at all to do with the planning boards warrant articles. Julie stated that even if the procedural defect was present, it would take a challenge through the courts for there to be a finding.

•Accessory Dwelling Unit Process and fees – Kathy explained that at the last meeting the board was discussing possible changes to the applications and what fees should be assessed. Julie explained that it was not a big decision, they just need to decide on a fee. Kathy explained to the board that there is a conditional use permit for \$25, that already exists. Joan stated that the engineering fees would be an added cost to the applicant. The board discussed what they could use and if the permit can add anything to it, or is it a flat fee where the engineering is not

added? There is a section on the procedural paper that is posted that states that the applicant is responsible for any additional fees. The section could add what the fee and procedure is within the ADU section if the board decides to. Mr. Merrill asked if the board should state a few of the issues that would apply, so that the applicant will know what they are responsible for. The procedural paper will be adjusted to state what you would need a conditional use permit for within the zoning. Kathy will send out to the board for their review before posting.

Telecommunications- was already addressed in the actual section so no draft will be created. Julie reiterated that when any of these applications are received she should be notified as soon as possible because that starts the time clock.

Buxton Subdivision- Julie had gotten the revisions to the Buxton Subdivision plan for the 11-acre lot from Peter Landry. She stated that one of the conditions of the approval was to get together with Julie on the driveway easement. She read the 3rd condition of approval.

3. Non-approved building lot until such time as complies with town and state septic requirements and be noted on the plan.

She was going to suggest to the board that they should add, "*and all town and state requirements*", such as wells and upland area. Even though this was not part of the original condition of approval this is something that a non-buildable lot would be subject to. Julie continued that Mr. Landry is noting the easement on the plan, but she recalled it should be a separate document. The board agreed. Kathy read the minutes from the Buxton meeting stating that the maintenance would be noted on the plan, and that the easement would be recorded at the time of the sale. Julie relayed that the easement should be described by the meets and bounds and on the plan and then a separate document created for the easement. There is a table on the plan that states the meets and bounds of the driveway easement. Julie will send out the wording to the board for their information. Bob will be able to sign as the motion was for the Chairman of the Board to sign the Mylar, not a specific person.

Joan reminded the board that any large impact that would affect an abutting town would need to be declared as a regional impact.

Approval of April meeting minutes. Jim made a motion to accept the April Meeting minutes, Kate seconded, all in favor.

Joan moved to adjourn at 8:54pm, Kate seconded, all in favor.

Respectfully submitted,

Kathleen T Felch, Planning Board Clerk