

KENSINGTON PLANNING BOARD
TUESDAY, October 17, 2017
MEETING MIUTES- Approved 11/21/2017

In attendance: Bob Solomon, Chair, Bob Wadleigh, Selectmen's Representative, Jim Thompson, Glenn Ritter, Chris Chetsas, Kate Mignone, Bob Fee, Alternate and Julie LaBranche, Rockingham Planning Commission Representative.

7:00p.m. Chairman Solomon opened the regular session of the October Planning Board meeting. The first agenda item was a public hearing for 825 Development LLC. Chairman Solomon read the public hearing notice. Mr. Wadleigh made a motion to open the public hearing which was seconded by Mr. Chetsas and passed unanimously. At 7:02 Mr. Thompson recused himself and Alternate Mr. Fee took his place.

Chairman Solomon explained that the purpose of the Public Hearing forum was to formally review the conditions approved at the September meeting and amend the existing conditional subdivision approval to include those conditions. Chairman Solomon read the following conditions from the draft minutes of September 19:

1. The property owner shall post a security in accordance with the Town's subdivision regulations section 3.2.O prior to: a) conveyance to third parties of lots 1-4; (b) issuance of building permits for lots 1-4; and (c) the start of any construction. The property owner will notify and meet with the Planning Board to approve the security.
2. The drainage and cistern easements will be executed and recorded prior to construction.
3. Property owner will notify the Town and Planning Board upon completion of the (gravel pit) reclamation plan on file with DES.
4. The property owner will notify and meet with the Planning Board prior to any construction to establish an escrow account equal to 2% of total construction cost estimate dated 9/19/17 to cover construction inspection fees.

The Board members were in agreement that this wording should be added to the approval. Ms. LaBranche suggested that "DES" should be spelled out and clarified as the New Hampshire Department of Environmental Services.

Mr. Ricci, the property owner, was in attendance. He responded in the affirmative when Mr. Solomon asked if he was in agreement with these conditions. Mr. Solomon then asked if there was any input from the public in attendance.

Ms. Karen Parker Feld, 178 Drinkwater Rd., stated her concern about safety issues. She hoped that the driveways would be set back from the crest of the hill as the visibility on the road is not very good and speeding traffic is already an issue. Mr. Solomon advised her that the Police Chief had already been on-site and reviewed the conditions and provided his input to the approval process. Mr. Ricci stated that there are two diamond shaped graphics showing line of site distance on the plans and that they exceed the Town's requirements.

Mr. Alex Raslavicus of 80 Wild Pasture Road, stated his concern that the gravel pit reclamation and construction of the development are being worked on concurrently. As an abutter, he is also opposed to removal of the existing berm during the reclamation process. He feels that it will be detrimental to the aesthetic appeal of the neighborhood and that property values may be diminished.

Discussion ensued on these matters resulting in affirmation that the reclamation is being done according to the Plan approved by the State. Parts of the reclamation operations are done simultaneously with sub-division development where one is dependent on the other. The reduction of the berm is necessary to bring the surface to road elevation. Subdivision regulations do not require any buffer. The conditions of approval for the subdivision, including completion of the reclamation according to the approved State's plan will be included with the recording of the mylar.

Ms. Parker Feld asked Mr. Ricci what the timeline was for finishing the reclamation. Mr. Ricci 's response was 30-60 days.

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In conclusion, Chairman Solomon stated that in the spirit of open communication the Board was willing to listen to the abutters' concerns, however, the developer is within his rights to construct the property as he desires. The time to have approached the developer would have been last summer rather than now when we are going ahead with the final construction conditions. Mr. Raslavicus stated that he only became an abutter to the reclamation once the lots were merged.

Ms. Parker Feld asked for clarification on what would happen to the trees on the road. Mr. Ricci stated that he was unsure at this time because the locations of the houses have yet to be determined. Only the driveway and septic locations are currently defined.

Mr. Wadleigh made a motion seconded by Mr. Fee to replace the term "DES" in the third condition with the words New Hampshire Department of Environmental Services, seconded by Mr. Fee. Motion passed unanimously.

Mr. Wadleigh made a motion, seconded by Mr. Chetsas, to amend the original subdivision approval to include the four referenced conditions. Motion passed unanimously.

7:30p.m. Mr. Wadleigh made a motion, seconded by Mr. Chetsas, to close the public hearing. Motion passed unanimously.

The regular meeting resumed with Mr. Thompson in attendance.

The proposed 2018 Planning Board budget was reviewed. Mr. Wadleigh stated that the Board of Selectmen will be setting up a Budget Committee around the end of October. Mr. Thompson made a motion, seconded by Mr. Ritter to recommend a budget in the amount of \$13,500.00. This represents an increase of \$700.00 which represent increases in contracted expenses. Motion passed unanimously.

A request from Kathy Felch to purchase ten "New Hampshire Planning and Land Use Regulation" books was approved.

The Board discussed a possible replacement for Joan Whitney's seat on Rockingham Planning Commission. It was decided that Ms. LaBranche will work with Kathy Felch on preparing a notice to be placed on the Town's website requesting a volunteer. Subject will be brought back to the Board in November.

The Board reviewed a release prepared by the attorney for the Courtemanches and the Bauts who last month requested a conditional use permit to construct an Accessory Dwelling Unit on their property. This release was requested by the Planning Board to release the Town from any liability associated with enforcement of the Kensington Place Declaration of Protective Covenants. Ms. LaBranche stated that the property owners names are misspelled and that there should be reference made to the date of the Board's decision (Sept. 19) and tying the document to the Accessory Dwelling Unit. Mr. Wadleigh stated, on behalf of the Board of Selectmen, that since this document was prepared by the petitioners' lawyer, we would not have to have it reviewed by Town Counsel. Mr. Wadleigh made a motion, seconded by Mr. Chetsas, to approve the release with the discussed changes. Motion passed unanimously. Ms. LaBranche will email changes to Kathy Felch.

Minutes from August 24 and September 19 were reviewed. Mr. Ritter made a motion to accept the August minutes as written. Seconded by Mr. Wadleigh, motion was passed with Ms. Mignon recusing herself and Mr. Thompson abstaining. Two changes were requested by Chairman Solomon in the September minutes. In the second line of eighth paragraph

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remove the word "not". And in the second itemized list at the bottom of the page remove "non" in the second line. Mr. Thompson made a motion to accept the September minutes with the designated changes. Seconded by Mr. Wadleigh. Motion passed with Mr. Ritter abstaining.

Ms. Mignone informed the Board that she was resigning effective immediately. The Board thanked her for her many years of service.

Mr. Thompson asked Chairman Solomon about the Plan NH Charrette. There will be two listening sessions on Friday, October 20 at 3:30 and 6:30p.m. This time will be for Town residents to give their input and suggestions on how to improve the community's Town Center. On Saturday there will be a presentation at 3:00 p.m. from Plan NH team based on input from Friday's meetings. Chairman Solomon requested that Planning Board members attend if possible.

Ms. LaBranche suggested the Board think about any zoning or land use regulations changes that they may want to put before the Town. Since any public hearings would have to be done by January, now is the time to start thinking about it. Mr. Thompson asked Ms. LaBranche if she had heard of any problems occurring as a result of the State's ADU changes. She said she will ask around and report back in November.

8:15p.m. Mr. Thompson made a motion to adjourn the meeting. Motion seconded by Mr. Ritter and passed unanimously.

Respectfully submitted,

Mary F. Smith

APPROVED