

KENSINGTON PLANNING BOARD MEETING  
Virtual Meeting due to COVID-19  
TUESDAY February 16th, 2020 – 7:00pm  
Meeting Minutes - Approved 3/16/2021

In attendance: Robert Chase, Chairman (alone); Mary Smith, Vice Chair (alone); Therese Wallaga, Member (alone); Jim Thompson, Member (alone); Mike Schwotzer, Member (alone); Vanessa Rozier, Selectman's Representative (alone); Julie LaBranche, Rockingham Planning Commission (alone), Peter Merrill, Member(alone), Josh Preneta, Alternate(alone)

At 7:04pm, Robert called the meeting to order. At the time the meeting started, there were 16 participants on the call.

Robert read through the NH State of Emergency E-Meeting Compliance Checklist and took roll call.

Robert noted that Felch family did not have materials for application and to continue the applications to March, 2021.

Mike recused himself from both Felch public hearings.

**At 7:14pm Jim Thompson made a motion to make Josh Preneta full member for first two hearings. Mary seconded. Robert took a roll call vote. Mary voted yes, Peter voted yes, Vanessa voted yes, Therese voted yes, Mary voted yes, Jim voted yes, and Robert voted yes. The motion passes.**

**At 7:15pm Robert made a motion open the Public Hearing for the Felch Family Trust and read the following aloud:**  
*Felch Family Trust, Franklin and Kathie Felch, Trustees with a physical lot address of 137 Amesbury Road, Kensington, NH further identified as Map 9 Lot 2, for a Minor Subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington. The intent is for the property owners to subdivide one 2.01-acre parcel from the 26.5-acre parcel know as Map 9 Lot 2. This item was continued from January 19, 2021 meeting. The applicant has asked that this now be continue to the March 16, 2021 hearing.*

**Jim seconded. Robert took a roll call vote. Mary voted yes, Peter voted yes, Vanessa voted yes, Therese voted yes, Josh voted yes, Robert voted yes. The motion passes.**

Robert noted that the applicant would like to continue the application to the March 16, 2021 meeting.

**At 7:16pm Peter made a motion to continue the Public Hearing for the Felch Family Trust to March 16, 2021. Mary seconded. Robert took a roll call vote. Jim voted yes, Vanessa voted yes, Therese voted yes, Josh voted yes, Peter voted yes, Mary voted yes, Robert voted yes. The motion passes.**

**At 7:17pm Therese made a motion to close the public hearing. Jim seconded. Robert took a roll call vote. Vanessa voted yes, Jim voted yes, Josh voted yes, Peter voted yes, Mary voted yes, Therese voted yes, Robert voted yes. The motion passes.**

**At 7:18pm Robert made a motion open the Public Hearing for the Felch Family Trust and read the following aloud:**  
*Conditional Use Permit in accordance with Zoning Ordinance Article VI Section 6.2 Steep Slopes District for Felch Family Trust, Franklin and Kathie Felch, Trustees with a physical lot address of 137 Amesbury Road, Kensington, NH further identified as Map 9 Lot 2, to allow 5,870 square feet of disturbance to steep slopes to permit a driveway and access easement across Map 9 Lot 2. Continued from January 19, 2021. The applicant has requested that this be further continued to March 16, 2021.*

**Jim seconded. Robert took a roll call vote. Mary voted yes, Peter voted yes, Vanessa voted yes, Therese voted yes, Josh voted yes, Jim voted yes, Robert voted yes. The motion passes.**

**At 7:18pm Robert made a motion to continue the Public Hearing for the Felch Family Trust to March 16, 2021. Jim seconded. Robert took a roll call vote. Mary voted yes, Peter voted yes, Vanessa voted yes, Therese voted yes, Josh voted yes, Jim voted yes, Robert voted yes. The motion passes.**

**7:19 Robert made a motion to close the public hearing. Mary seconded. Robert took a roll call vote. Jim voted yes, Peter voted yes, Mary voted yes, Josh voted yes, Therese voted yes, Vanessa voted yes, Robert voted yes. The motion passes.**

Mike rejoined the board.

**At 7:20 pm, Robert made a motion to open the Public Hearing for the Survivor's Trust c/o Welsh Living Trust and read the following aloud:**

Survivor's Trust c/o Welsh Living Trust, with a physical location of 13 North Road, Kensington NH, further identified as Map 11 Lot 30, located on North, Amesbury and Osgood Roads in Kensington, NH have submitted a Subdivision application for a 2-lot subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington. This item had been continued from the January 19, 2021 meeting.

**Jim seconded. Robert took a roll call vote. Mary voted yes, Peter voted yes, Vanessa voted yes, Mike voted yes, Therese voted yes, Jim voted yes, Robert voted yes. The motion passes.**

Peter asked if there was a limit to how many times continuances could occur before having to create a new hearing. Julie answered there was no limit, but that it was up to the planning board. She noted that if the applicant came forward with substantial changes to the proposal it would have to be renoticed and the abutters renotified. The planning board could entertain a waiver of a fee, but the applicant would pay the notice and pay the abutters cost if there was a substantial change.

Robert noted there would be a time limit of 45 minutes for the Welsh Application. There would be 90 minutes allocated for the Hog Hill Preserve applications. Robert reviewed the waivers for the Welsh Family Trust from the January 19, 2021 meeting. In the previous meeting waiver requests were heard and voted on. Waiver request for Article 3 Section 3.3H for lot size was not necessary as the property exceeded 2 acres. Waiver for Article 3 Section 3.3M for tree clearing was granted as it was a one lot house only. Waiver of Article 3 Section 3.3N3 was decided as not necessary. Article 3 Section 3.3N8 for topography of wetlands the waiver was granted. The application had been previously found deficient in a few areas on the engineering plan. The use of the term rebar was changed to iron bar, the date had been updated and the aquifer protection district was noted. It was noted that the purpose of the subdivision was to cut down on frontage and excess land for the Welsh family. Two iron rods were set and a certificate of monumentation was received. The Wetland Scientist's signature was missing from the plan but Ms. Welsh noted that he would add his signature upon approval. Julie noted the aquifer protection district is shown on the overall plot plan and includes everything except round hill lot 30-2. Robert asked if it includes the entire lot. Robert and Julie discussed what was in the aquifer protection district. The entirety of the proposed lot was inside the aquifer protection district. It was noted that an iron rod had been set in a corner of the property prior to approval, but could be removed if approval was not granted. The board explained that the 100-foot buffer above the northern lot line of lot 30-2 could be extended to lot 11-7 to create a more conforming lot consistent with town regulations of lot shape. The applicant decided to extend the 100-foot buffer for 30-2. She will contact Peter Landry and have him resurvey the plans. The iron rod should be set at the new lot corner of the Northwestern point of the lot if the buffer is to be removed. Flexibility in the lot line was discussed for closing off the 100-foot boundary of 30-2 as it connects to lot 11-7.

**At 8:01pm Peter made a motion to continue the hearing to March 16, 2021. Mike seconded. Robert took a roll call vote. Jim voted yes, Vanessa voted yes, Peter voted yes, Therese voted yes, Mike voted yes, Mary voted yes, Robert voted yes. The motion passes.**

**At 8:02pm Mary made a motion to close the public hearing. Mike seconded. Robert took a roll call vote. Jim voted yes, Vanessa voted yes, Peter voted yes, Therese voted yes, Mike voted yes, Mary voted yes, Robert voted yes. The motion passes.**

The order of agenda items for the Hog Hill Preserve application was changed to hear agenda item #5 before agenda item #4.

**At 8:08 pm, Robert made a motion open the Public Hearing for Hog Hill Preserve, LLC and Gary J. And Kimberly Walker and read the following aloud:**

*TF Moran, Inc. c/o Corey Colwell on behalf of Hog Hill Preserve, LLC with a physical location of 14 Bartlett Road, Kensington NH further identified as Map 4 Lot 3 and TF Moran, Inc. c/o Corey Colwell on behalf of Hog Hill Preserve, LLC with a physical location of 2 Bartlett Road, Kensington NH further identified as Map 4 Lot 7-1 have submitted a Lot Line Adjustment application in accordance with Article III Section 3.2 G1 of the Kensington Subdivision Regulations. A portion of the parcels involved are also located in South Hampton, NH. This application has been continued from the January 19, 2021 meeting.*

**Mary seconded. Robert took a roll call vote. Jim voted yes, Mike voted yes, Mary voted yes, Vanessa voted yes, Therese voted yes, Peter voted yes, Robert voted yes. The motion passes.**

Both the Board and the applicant were in favor of addressing the applications as a single hearing. Robert noted at the January 19, 2021 meeting there were three applications, of which one has been withdrawn pertaining to lot 4-43. Mr. Colwell of TF Moran introduced himself, Emile Bussiere and Richard Green of Hog Hill Preserve, and Brenda Kolbow of TF Moran. Mr. Colwell noted the four changes that had been made since the January 19, 2021 meeting, which are also noted on TF Moran February 1, 2021 cover sheet.

- 1) The withdrawal of the application for the lot line adjustment between East Kingston Map 4 Lot 4-1 and Kensington Map 4 Lot 43 and Kensington Map 4 Lot 41.
- 2) Removed any land in East Kingston from proposed subdivision, noted on Sheets S-4 and S-5.
- 3) Added NHGRANIT wetlands to the line adjustment plans on Sheets S2 and S3. Mr. Colwell noted the new wetland boundaries on those sheets.
- 4) Added a proposed Utility Easement and Protective Well Radius Easement over Lot A. The proposed utility easement is 10 feet wide to provide power from a transformer over Lot A between East Kingston Lot 4-1 and Kensington Map 4 Lot 43.

Mr. Colwell summarized his application. The applicant is proposing lot line adjustments between Map 4 lot 3 and 7-1 and the subdivision Map 4-41 and the voluntary lot merger of the remaining land of 4-41 and 4-7-1. This will create one additional building lot with frontage on South Road. Adjusting the common boundary line of Map 4-3 and 7-1 as shown on sheet S-2. Lot 3 is 154 acres in size, after the boundary line adjustment it will be 117 acres, noted on the sheet. Map 4-7-1 is currently 215 acres; after the boundary line adjustment it will be 271 acres. Boundary line adjustments were discussed. The first adjustment noted lot line to be relocated on Sheet S2 was a bump out because of a tennis and basketball court on Lot 4-3 with an access road. The applicant noted that the 100-foot strip on the west side of Lot 4-3 would connect to be part of 4-7-1. Julie asked if 100-foot strip combines backland with 4-7-1 because it has frontage on Bartlett Rd without which there would be no frontage and a non-conforming lot. The remaining land of lot 4-41 would be combined with 4-7-1 to avoid a back lot with no frontage. The applicant proposes subdividing 4-41 into 3 lots. This is shown on sheet S5. Lot A and B are proposed single family. The remaining land will be combined into 4-7-1. It was noted that Bartlett Road did not give frontage to the remaining land on Lot 4-41. The class of the road was discussed. There would be a net gain of one buildable lot.

The applicant requested waivers for the lot line adjustment application of Map 4 Lot 3 and Lot 7-1. These waivers were for the following:

- 1) Waiver for a scale of 1" to 100' or less. The applicant stated they used a scale of 1" = 300' in order to show the entirety of both parcels on one sheet.
- 2) Waiver for Wetlands as noted on Sheets S-2 and S-3. The applicant stated the Certified Wetland Scientist had delineated the northern part of the parcels, but due to the fact that there was no proposed construction there would be no impact to the wetlands on the rest of the site.
- 3) Waiver for Location of Septic Systems and Wells noted on Sheet S-2 and S-3 due to having no proposed construction leaving no impact for existing wells or septic systems.

- 4) A waiver for Monuments on Sheets S-2 and S-3. Monuments will be set on the newly created corners of the lots, however the applicant felt that setting monuments around the entire parcel would create a burden.

A waiver request was made for the Subdivision Application for Map 4 Lot 41 for Soil Studies. The applicant stated that there is no proposed development for the "Remaining Land" of Map 4 Lot 41.

The applicant noted that correspondence from Beals and Associates said that these waivers were supported. Lot shape was also noted in that correspondence. The applicant states that if approved Map 4-3 and Map 4-7-1 and 66% of 4-41 make more than a combined 400 acres preserved for outdoor recreation, but does not plan to place a conservation easement on the land. There was discussion about the frontage for Lots A and B of lot 4-41, which is noted by Note 14. L106 is shown as having 20.46 feet on both sides of Lot A and Lot B, which should equal 40.92 feet. The table has it listed as 31.36 feet. The board noted that Segments L100 to L115 adds up to 510 feet where Note 14 states that it adds up to 530 feet. Further discussion about Segment L106 resulted in the fact that L106 needs revision as does Note 14 on the sheet. The applicant will investigate and get back to the board. The applicant stated there is adequate frontage for Lot A and B. The board brought up lot shapes as a concern. The applicant said that the lot was that shape because of basketball and tennis court and that the 100-foot strip gives the remaining land frontage and makes the lot conforming as otherwise it would be landlocked. The board asked why the bottom side of lot B could not be a straight line. The applicant stated that was a line the partners agreed on for a hunting area. The parcel would accommodate the recreational land. Prospective buyers of Lot B also agreed to that line. Discussion of the line continued. Mike asked about lot 4-41 and that the applicant has called it non-conforming and landlocked, only becoming conforming when the merger with the 100-foot strip as frontage occurs in that sequence. Mike stated that of the three lots, the remaining land would be non-conforming until a change is made. The sequence of the merger was called into question. Mr. Colwell replied that the voluntary lot merger could be done secondary to the lot merger, or subdivision merger take place simultaneously. Therese asked if the property was entirely in Kensington and Mr. Colwell explained that it was.

A discussion about the difference between preservation and conversation took place. Mr. Colwell said there are no plans for building for now or near future for building. The intended use is for outdoor recreation. The easement for the 100-foot wide strip was to access the 4-3 "Farm" parcel as noted by Emile Bussiere. Discussion about the future of the land in the form of a subdivision was called into question, again being noted by the applicant that there was no intent currently. It was noted that the abutters listed named three Hog Hill, LLC abutters and that they were the same as those taking part in the meeting.

Robert asked why they didn't have a waiver for the lot shape requirements. The applicant said they did not believe they needed it.

A discussion took place about the easement and access to 4-7-1 as a possibility for subdivision. Emile stated that it was for preservation and not subdivision. He wants to preserve Round Pond, and the "Farm" Lot 4-3 property for an area for someone to live. It was noted that access from Bartlett Road would cross wetlands and therefore would not be possible. Lot shape was again discussed. The 100-foot wide easement was shown as creating oddly shaped lots. It was noted by Emile that one of the 3 of the partners could live at Lot 4-3. Robert noted that the resulting shape due to the easement was highly irregular.

Emile mentioned the possibility of a condition that could be put into place that would make it so the 100-foot wide strip would never be developed into an access point for any other use other than accessing Round Pond or use for recreational purposes. Julie said that could be in the form a deed restriction for Lot 4-7-1. Mike said Round Pond would be a good spot for conservation along with or instead of a deed restriction. Time ran out for the applicants during this meeting, but it was left that the applicant would make adjustments to the line table for Lot A and B, with Segment 116 and Note 14 being correct. The applicant also noted they would look into the sequencing in regard for the subdivision. Robert again mentioned the waiver for lot shape.

Julie asked for copies of the research of road classifications for Bartlett Road.

This application will be continued at the next meeting on March 16, 2021.

**At 9:45 Mary made a motion to close the public hearing. Mike seconds. Robert took a roll call vote. Jim voted yes, Peter voted yes, Vanessa voted yes, Mary voted yes, Therese voted yes, Robert voted yes, Mike voted yes.**

#### **NEW BUSINESS**

Mary asked about Stacey Tree who bought FM Station and whether it had come forward to the Zoning Board. Mike said nothing has come forward.

#### **UPDATES ON PRIOR BUSINESS**

- Cistern easement at 152 Drinkwater Road. Lawyers have produced a document that has been forward to selectmen who would need to approve that legal document.
- Growth Management
  - There are 2 tracks that could be taken. Existing ordinance Article 3 section 3.3 letter S Scattered and Premature Development gives the Planning Board latitude regarding large development projects that impact Police, Fire School, Roads. This is in place today.
  - The other option is to pursue a Growth Management Ordinance which requires a Master Plan update which took place 20 years ago and was updated 10 years ago. The last Capital Improvement Plan was between 2006 and 2012. A new Survey, Capital Improvement Plan and Buildout Analysis may be necessary.
- Application Process Improvement
  - This subcommittee will continue to meet.

**At 10:04pm Mike made a motion to approve minutes as amended. Jim seconded. Robert took a roll call vote. Mary voted yes, Vanessa voted yes, Therese voted yes, Jim voted yes, Josh voted yes, Robert voted yes. The motion passes. Peter recused himself.**

**At 10:06pm Jim made a motion to adjourn. Mary seconded. Robert took a roll call vote. Jim voted yes, Peter voted yes, Mike voted yes, Vanessa voted yes, Mary voted yes, Robert voted yes, Josh voted yes. Therese voted yes. The motion passes.**

Respectfully submitted,

Andy Clarke