

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON TOWN HALL
TUESDAY, JANUARY 17, 2012
7:30 PM**

Meeting Minutes

Approved- March 20, 2012-with corrections

In attendance: Kate Mignone, Chairman, Peter Merrill, Vice-chairman; Joan Whitney, Jim Thompson, Glenn Ritter; Stefanie Johnstone, Selectmen's Rep.; Dylan Smith-RPC Circuit Rider

Chairman, Kate Mignone called the meeting to order at 7:38pm.

NEW BUSINESS

Driveway Permits-none

PUBLIC HEARING

The review and adoption of the following Kensington Master Plan chapter:

Existing and Future Land Use Chapter – adoption of the existing and future land use chapter of the towns master plan update. See attached.

Kate opened the hearing to the public.

Joan has a suggestion on the commercial district current use and thinks it should be 2 acres on page 10. 20 Acres were converted within the commercial zone in the past 10 years. Dylan indicated that it was discussed last meeting and will be changed. Joan suggested it to read, 20 acres were taken out Current Use in the commercial zone. 2 acres is dedicated to commercial condos.

The correction will be made deleting condo land from the text.

***Peter made a motion to accept Existing and Future Land Use Chapter with edit noted;
Joan seconded, all in favor.***

New Business:

Informational - Wild Pasture Road- The resident was unable to attend the meeting.

Voluntary Lot Merger- Oak Ridge Road-

Patrick and Erma Oliver Tax Map 18 Lots 23 and 24.

Kate read the letter submitted by Mr. and Mrs. Oliver that will be available in the applicants assessing folder. The physical addresses of the properties are 8 and 10 Oak Ridge Road. The board looked over the lots in question and discussed. It was noted that the parcel that was just land was thought to be wet. In the letter the Oliver's stated that the extra lot is not a buildable lot and the two lots are currently for sale. Dylan asked if either lot had a house on it, Kathy indicated to the board that one lot has a house and the other is a vacant lot. The board did note that there would be added frontage from the lot merged. Jim asked what the new assessment on the property will be. Peter explained that merging the lots would make one lot with a total assessment of around \$598,000 instead of being \$755,000 for both parcels. Jim asked about the RSA for the Voluntary Lot Merger and what the process is.

674:39-a Voluntary Merger. – Any owner of 2 or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the planning board or its designee. Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the planning board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval. No city, town, county, or village district may merge preexisting subdivided lots or parcels except upon the consent of the owner. **Source.** 1995, 291:9, eff. Aug. 20, 1995. 2010, 345:1, eff. Sept. 18, 2010.

Joan moved to accept the merger for Tax Map 18 Lots 23 and 24; Peter seconded; all in favor.

Voluntary Lot Merger- South Road –

Pinnacle Leadership Foundation Tax Map 5 Lots 11 and 11-4.

Kate read the application that was presented to the board. Mr. Lewis is interested in putting in Solar Panels on the merged lot. Dylan indicated that if the applicant is not creating non-conformity than the planning board has the right to accept the application. Stefanie questioned that since we know what the intent is, do they need to do anything further with the board for solar panels? Dylan indicated that the application would be done through the Building Inspector. Solar Panels would follow the same rules as structures. Joan asked if the town should have an ordinance for solar panels, like there is for the wind turbines. Dylan indicated that the wind turbines are a different matter, much taller. Peter indicated that solar panels are added to save money and you that can't sell any electricity generated from them. Joan isn't concerned about this one, but thought that the board should look into it in the future.

Glenn made a motion to accept the merger for Tax Map 5 Lots 11 and 11-4, Peter seconded, all in favor.

Planning Board Article for the March Ballot-

Kate attended the Board of Selectmen's meeting and Sydnee and herself submitted the article for the Natural Resources Chapter to the board. The article presented is:

To raise and appropriate the sum of \$7,000 (seven thousand dollars) for the purpose of creating a Natural Resources Inventory, and the money to be allocated from the portion of Current Use Tax Liens that goes to the general fund. (In the fiscal year 2012.) This is a onetime funding allocation and will be used by the Planning Board and the Conservation Commission to update the Natural Resource Inventory requirement of the Kensington Master Plan. (added for clarity in Planning Board Meeting)

Kate indicated that the Conservation Commission was not sure if any land was coming out of current use this year. Kathy indicated that there is one person being billed this spring and another that will be billed first of summer. The billings will be around \$20,000 (twenty thousand) each.

Stefanie indicated that the selectmen are looking to submit an article to have the Conservation Commission receive 25% of the Current Use Tax Lien and the town would get 75%, because of the economy and the towns need to offset the tax rate. Glenn asked if this is the same article that was submitted last year. Stefanie indicated that the board is looking to submit a different article, because the one that was submitted last year did not have the correct wording. The board has not had the time to work on it, and they do not have definite wording yet, so it may not make the March 2012 ballot.

Dylan indicated that RSA 675:3 states the requirements for placing on the ballot. Some towns are very vague with the wording on the ballot and do not include the whole article on the actual ballot. Dylan suggested that the Board contact legal counsel to see what they suggest for the town. Peter indicated that this article would be for this fiscal year only.

Peter made a motion that the planning board recommends this article; Joan seconded all in favor.

Aquifer Protection Article for ballot-

Are you in favor of adoption of Zoning Article 12- Aquifer(s) Protection as proposed by the Planning Board for the Kensington Zoning Ordinance? The rationale for the addition of this ordinance is to prevent development and land use practices that would contaminate or reduce the recharge of the identified groundwater aquifer in Town and encourage uses that can appropriately and safely be located in the identified aquifer recharge areas as defined by the United States Geological Survey (USGS). Copies of the full article will be available at the town offices or on the town web site.

Dylan recommended that we have Charlie Tucker's office comment on how descriptive the board should be on the warrant. Peter will be attending the deliberative session as well as Kate.

Kate asked if the board was missing something. Lot Shape modification doesn't need to be voted on. Subdivision and site plan regulations don't need a town vote.

Abutter Article for the Ballot-

Are you in favor of the adoption of the zoning ordinance for an abutter as presented by the Kensington Planning Board to as follows?

Abutter: For the Town of Kensington an abutter shall be any property owner whose property is located in New Hampshire and within two hundred (200) feet of any property line, including across a street or stream, of a land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

Dylan would recommend town counsel's opinion on a matter. The Planning Board has the authority to request town counsel. Joan would recommend that the town attorney look at the aquifer and the abutter articles.

Peter made a motion that the board should have town counsel review the articles, Kate seconded, all in favor.

Stefanie explained that we should send the articles to Doug Mansfield because the town has been dealing with him lately.

OLD BUSINESS:

Definitions in Zoning Book- nothing to report

Felch Pit-

A letter was submitted to the board from the Felch's. Kate read the letter to the board and asked if there were any comments. The Felch's indicated that the entrance to the pit would be fixed as soon as the ground thawed with clean crushed stone. They also requested that Chris Batchelder be called when Christian Smith does his inspections. The board indicated that the mud at the end of the driveway was still present, and the board did not believe that the ground was fully frozen yet.

Kuegel Pit

Kate had called Mr. Kuegel about the orange fence, and he had indicated that he would be putting in the orange construction fence when the ground is thawed. Stefanie asked what that was for, and Peter explained that it is for safety. If we know that it will be done in March and someone gets hurt are we at fault. Jim asked if we should send a letter and have him do it earlier than that. Peter stated that Mr. Kuegel has been asked to fix the issue and therefore is accepting full responsibility until it is fixed. Peter indicated that you can mandate to a pit the rules and regulations that they are bound by. If the board and the engineer are asking the pit owner to fix something, they have the right to enforce it. Stefanie indicated that the ground isn't frozen today and could be in March. Kate and Kathy will draft a letter to Mr. Kuegel about the orange fence.

OTHER BUSINESS:

Approval of December 2011 Meeting minutes

Peter made a motion to accept meeting minutes as presented- Glenn seconded all in favor

Next Meeting –February 21, 2012

Motion to adjourn was made by Peter, seconded by Kate with all in favor.

Respectfully Submitted,
Kathleen T Felch, Planning Board Clerk

Highlighted area to be deleted from meeting minutes