

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

**Meeting Minutes**

*Approved- May 15, 2012*

**In Attendance:** Peter Merrill, Vice Chairman; Joan Whitney; Jim Thompson; Kevin Rosencrantz, Selectmen Representative; Dylan Smith, Rockingham Planning Commission Rep.

**Meeting called to order by acting chairman Peter Merrill at 7:35pm.  
8 people were in attendance for the meeting.**

**New Business:**

**Public Hearing:**

**Conditional Use Permit for a Driveway permit and septic design on Steep slopes: Jo Ann Hampson 9 Hoosac Road, Kensington, NH- Berry Surveying and Engineering**

Christopher Berry, from Berry Engineering presented the plan to the board for the applicant, JoAnn Hampson. Mr. Berry explained to the board that they were there because of the recently passed Steep Slopes District and that the driveway and the septic would fall within the new district. They have applied for a conditional use permit and would like to be able to proceed with the septic plan, but needed to see the town before that step was possible. The band around the property and in the front of the lot is all affected by the steep slopes, and this area is the narrowest spot to place the driveway and the only place where the applicant can propose the sewage disposal system. The driveway is proposed in the original area of the original plan for the lot. The former owner had taken the top of the hill and left the area with poor draining soil. Mr. Berry explained that there would be a total of 5980 square feet of disturbance in the steep slopes area. He then directed the board to the first sheet that showed the erosion control details. Mr. Berry had provided Kathy with the test pit log when he had arrived that showed where the test pits were. The applicant is looking to sell the property and would appreciate the board considering that the lot was bought before the District was created. Jim asked where the house would be located, and Mr. Berry directed the board to the second page of the plan for the proposed location. Chairman, Peter Merrill granted the ability for Sydnee Goddard to speak on the application. She asked if they were aware of what the former owner had removed from the site. Mr. Berry responded that the former owner has removed so much from the site that this is the only viable area for the septic. David Buxton indicated that they took the top of the hills and pushed them down on the subject lot and the one that abuts it. Sydnee asked if the area is currently forested, and if the existing tree line is shown on the plan. Mr. Berry explained that there is now a 50-60 foot span and with 6-10 years' worth of growth, as you proceed further down the hill the growth gets older and older, they would have to remove some vegetation to make the area suitable for the septic. Sydnee asked if there was another technology available so that they could place the septic in another area so they do not disturb the impact area. Mr. Berry responded that that would not be possible because there is no area between the top area and the hard pan. It was asked if they could add a receiving layer and that is not possible in Kensington with our current zoning ordinances. Dylan handed a letter to Mr. Berry that was addressed to the board from the Chairman Kate Mignone. Dylan asked him to answer the questions in it for the board. A copy of the letter will be kept in the file for review. All questions were addressed and answered in order of the letter to the board's satisfaction.

Joan Skewes asked if the drainage will account for the 100 year storms. Mr. Berry explained that they have designed it to account for 50 to 100 year storms. Joan asked the engineer about the culvert at the end of the driveway and he responded that it should be there, but it was not on the plan. Jim asked if the leach field fails what would be the alternate site, Mr. Berry replied that it would be further up hill. Sydnee Goddard asked if they had thought of plantings instead of stone. Mr. Berry indicated that they could potentially look into it, but if they were to use trees they would have erosion around the base of the trees. The point of the stone is to stabilize the earth under it. Stone doesn't increase the velocity; they put it there to reduce the velocity in the pipes. Dylan suggested the applicant use erosion control measures, silt fence

other measures for the construction activity to reduce the sloughing in or off the slopes. Mr. Berry indicated that there were measures that they would be taking. Kevin reminded the board that this lot was originally approved, and now because of the ordinance they have to do extra in order to build on it. He also expressed to the board that he is trying to get the whole picture, there is a human side of the issue, and did the owner buy it as an approved lot? Mrs. Hampson responded that it was very upsetting listening to the discussion; if they had built the house when they had bought it they would not have had the steep slope ordinance problems. The applicant is looking to sell this lot as a buildable one. She also indicated that Mr. Berry is doing everything to comply with the ordinance and the boards' wishes. Mrs. Hampson hopes that the board is reasonable, and that she will meet the boards' requirements if needed. Peter remembered when Mrs. Hampson spoke about this when she came before the board for a consultation. Dylan reminded Mrs. Hampson that the board is also looking to see how this will impact the neighbors as well. Kevin asked if this water from the driveway is going into a drain. David responded that you have an existing road that isn't built correctly. The road was designed to handle it, but it was not built to handle the water flow. David described the problems with the road to the board and the people in attendance. David does agree that the rocks will hold a lot better than small spruce trees. He would like to see someplace noted on the plan that the entire rip rap is removed and clean rip rap installed when the construction is completed. So that what comes down off of the hill is not full of silt.

He also expressed that what is there is what we need to deal with; a dollar amount for the town engineer to make frequent visits to check on the process of the project is something that he would like to see added to the conditions.

Joan Whitney asked if the engineer would have the steep slopes impact area on the septic design. It was expressed that they will have to include everything from the house down to the leach field. The lot is as it was when the applicants purchased it. There was a septic design in the file from 2004 that the board referred to but it is not usable because it was approved before the steep slopes ordinance was passed and before the soil from the top of the hill was removed. Joan Whitney would like to propose that they show some plan for maintenance. Dylan suggested doing a construction sequence.

There were two abutters present at the hearing and one commented that they had to fight for the road to be accepted by the town. Their main concern is the drainage issue, when the house next door to this one was put up; the drainage and slough came down into the road. They want to make sure that the road is protected. As abutters they are not opposed to anything other than the road issue. Joan Whitney indicated that the house next door is at a higher level and that the developer took more material than was taken on this lot. JoAnn Hampson asked if the town was aware that the dirt was removed. Joan Whitney indicated that it comes back to the engineer and how often they went out to the property to inspect. Joan indicated to the applicant that this development has resulted in a lot of the recent ordinances. She stated that they are aware that it is an unfortunate thing and that they are trying to make it good for everyone. Mrs. Hampson expressed that it was very upsetting that the top was not supposed to be removed from the lot. Joan responded that if the town was to have someone on the developments more, then the taxes would have been more. Mrs. Hampson explained that she bought the lot in good faith, and in addition to the purchase price, they are spending money to sell it. She was concerned about the restraints that the board could put on the lot and that would limit the lot so that no one will want to buy it.

Peter would like to see a clearly lined out plan, as well as a maintenance plan, they are good things and a concrete plan would be good for all because it could be referred to if something isn't right and something will be able to be done.

Joan asked how the town would enforce the maintenance plan. Kevin suggested that if there is erosion at the site, the plan would have the written out sequence, and David could check the plan and then they could enforce. The board commented that if mud gets dragged out into the road during the construction then the abutters can help by expressing their concerns to the Selectmen. Dylan suggested to the board that they could do a conditional approval.

Peter asked what the board's feelings were about seeing it on the plan before approval; Joan said if they are not holding up the septic approval. Mr. Berry reminded the board that they would need the boards' approval to move forward in the process. Peter asked if the board was comfortable with him coming in and reviewing the plan to grant the conditional use permit per approval. They suggested doing a conditional approval so that the applicant doesn't have to come back.

**Jim made a motion to grant a conditional use permit, with conditions. Allowing Peter and Dylan to examine the plan and Peter to sign off when conditions are met; Kevin seconded; all in favor.**

**Modifying access way to the lower access way**

**Culvert plan for base of the driveway**

**Maintenance plan**

### **Construction sequence**

#### **Ensuring erosion control and sediment control techniques pre and post construction.**

Joann Hampson thanked each member of the board.

#### **Driveway- Peter Kuegel-**

David has a driveway permit off of North Road to give access to a 66 foot right of way that runs parallel to Dick Welsh, which would access Mr. Kuegel's back portion of the gravel pit. Joan remembered that there were a lot of restrictions, and one was that the strip was for residential use only. David showed the board the detailed description, indicating that the driveway will be level with North Road. On the lot line adjustment it is stated that the strip can only be used for residential, agricultural use. David would like to see it filed with the tax card.

***Kevin motion to accept driveway plan and also that the card be verified and if needs to be that the restrictions are on the card. Jim seconded all in favor. Peter signed for the board.***

Kevin left at 9:06pm

Close the public hearing at 9:07pm.

***Joan made a motion to close the public hearing, Jim seconded; all in favor.***

The board entered into a work session at 9:07pm

#### **Commercial Zone- S. Mitchell & H. Bragg**

Sandra Mitchell and Harold Bragg were asked to attend the meeting for the board to see what the intention of the article was at the time it was adopted. Because of the meeting running late Mr. Bragg had to leave. Mrs. Mitchell asked why the commercial district is a topic now. The board responded that they are trying to tighten up the district, and that there are no specific boundaries for the district. It is not defined as either parcel maps or distance from the road. Mrs. Mitchell explained that they didn't have a Commercial District, but were told that they needed to create one. People were doing businesses in their own yards. There were concerns with pollution and hours of operation. The board would like to take a parcel base approach to the district so that the lines are clear and concise.

Dylan passed out a suggestion to the board for the district and Jim indicated that he liked the new plan. Sydnee Goddard express that this doesn't make sense having the commercial district here, because it is on the aquifer. Sydnee expressed that the board was taking the commercial district and making it bigger. Jim explained that they were just encompassing it into the parcel based idea. Dylan commented that there is no legal description for the zone in the zoning book and one is needed to clearly define the area.

Joan would rather see 200 feet or 400 feet off of the main road instead of seeing it parcel based. Jim stated that maybe the board can leave it be. Dylan stated that there are no boundaries of the current commercial zone. The board is going to keep getting examples and Dylan will bring another one back with the Commercial Zone that the assessing maps show.

The board thanked Sandra Mitchell and Harold Bragg for attending to explain what the boards intentions were when the zone was created.

#### **NRI- Natural Resources Inventory**

Natural Resources Inventory- Dylan expressed that he was glad that the Conservation Commission is present; he stated that the Conservation Commission is in charge of leading the NRI group, forming the group and going over the maps. This information can be used for the Master Plan's Natural Resource Chapter; he will get copies to the group of examples.

Dylan informed the group that they would be reviewing maps of Kensington and inputting what is in that area as far as the aquifers, vernal pools, amphibians, tree species, natural service networks, coastal conservation plan, soils topography, agricultural areas, whatever the committee deems important to that particular area. Sydnee asked if the mapping had already been done. Dylan indicated that there are maps that are available, but it will be up to the committee to refine them to the best of the committee's ability. The maps are there and it is what they want to key out, like streams, rivers and significant wetlands in town. Rockingham Planning Commission has all the information that Amanda Stone, from NROC has. Joan Skewes assumed that the information was all the same, and that they will be going over the information together. It was discussed that the committee do the NRI themselves and not pay someone else for the organization of the information in the NRI. Joan doesn't think that anyone is ready to commit that amount of time. She asked if there are current photographs out there. Joan Whitney told the group that

Kensington was included in pictures that were just taken of the Seacoast that they might be able to compare the data to. Joan S. doesn't feel qualified to write and inventory. The Rockingham Conservation Commission would bring maps and layers to the meeting and have recommendation for the CC in a facilitative approach. Dylan indicated that committee would present to the planning board at the end. Then the Planning Board would be able to use the information in the Natural Resources Chapter for the Master Plan. Dylan gave the Conservation Commission the proposal and stated that either he or Walker would be leading the committee through the process. Dylan indicated that some towns have done it themselves, but there were 4-6 people willing to set aside the hours. He also indicated that the money would have to be expended by 12-31-2012 because of the warrant article.

Dylan will get the Conservation Commission a grocery list of other things that they could put in the NRI. The second Tuesday of May, the 8<sup>th</sup> is their next CC meeting at 7:30pm at the Kensington Elementary School. He indicated to the board that he could bring plans that they have done that would be related to the town's scope.

### **Election of Officers-**

Board needs to elect Chairperson and Co-Chairman. Joan would like to keep Kate and Peter for the next year, if they are both in agreement. Will be decided and voted on next meeting, because they are still in a work session.

### **OLD BUSINESS:**

**Zoning Book Codification-** examples from Dylan- will discuss next meeting.

### **OTHER BUSINESS:**

***Approval of March 20, 2012 meeting minutes- not enough members present to vote.***

**Next Meeting –May 15, 2012**

***Jim made a motion to adjourn, Joan seconded with all in favor. 10:06pm***

Respectfully submitted,

Kathleen T Felch  
Planning Board Clerk