

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, June 19, 2012**

**7:30 PM**

**Meeting Minutes**

*Approved- 8/21/12*

**In Attendance:** Kate Mignone, Chairman, Joan Whitney, Robert Solomon, Michael Schwotzer, Jim Thompson, Glenn Ritter, Kevin Rosencrantz, Selectmen's Rep., Dylan Smith, RPC Representative.

**Meeting called to order at 7:35pm by Kate Mignone, chairman.**

**New Business:**

Driveway permits- A driveway permit for Peter Kuegel was submitted to the State of NH, Jim Driver, the Driveway Access Technician, for the State asked the boards opinion. He indicated in an email that he would like the board to reply to him on this matter.

Kate read the meeting minutes where the board had previously discussed this issue and the approval that the board had given to Mr. Kuegel. Kate asked that Kathy send a copy of the meeting minutes where the board had previously approved the driveway permit to Jim. A copy of the April 17, 2012 Meeting Minutes will be sent to Jim as part of the boards' response to the driveway permit on North Road.

**OLD BUSINESS:**

**Maps- Commercial District-** The Palmer's were not present at the meeting, so a letter will be sent to them regarding their property in the Commercial District.

Dylan passed out some examples for the board to review. In the last meeting he had handed out parcel based maps of the commercial district. He defined the district based on the map that he handed out last meeting. The map included all the properties that the Town sends forms to stating that they are residential properties in the Commercial District. Kathy had called Breta and her main concern was what a change in usage would do to the value of her property. Kathy informed the board that Avitar had explained the only thing that would be different would be the sale of the property. The property will have more value if included in the Commercial District. Kathy also explained to the board that anyone who has just a portion of their property in the district still gets the forms. Dylan is trying to clarify the parcels in the area for the town. Joan asked about 260 South Road and why that would be part of the district, Dylan reminded the board that the map we are currently using is not cut and dry, this new map and the definition will be based on the 2012 tax maps and the Commercial District letters that go out to all residences in the Commercial District. Robert indicated that he believes that the owner of 260 South Road wants to be included in the Commercial District. He also asked if a public hearing was needed and Dylan indicated that the board will have to hold the public hearings in the fall and it would be on the ballot in March 2013. The board will be looking to hold the Public Hearing in September of 2012.

Kevin had questions on why the district was put there. There were other businesses in the town that had been there longer and why not put the district there? Mike explained that if you did it by the business it would be spot zoning, and that farms were around those businesses. Jim had talked to Sandy Mitchell and she indicated that the state had told the planning board that they needed to have a district defined, and 150 and 107 is a major intersection and some businesses where there already.

*Mike made motion to have a public hearing to do both the map and the description as discussed, Jim seconded, all in favor.*

**Draft**

**Definition:**

*The Commercial and Industrial Use District (CI District) is outlined on the Official Town Zoning Map and are defined below using the 2012 property tax map and parcel numbers. All properties not listed below, or depicted on the Official Zoning Map as part of the CI District shall be considered to be located within the Residential and Agricultural use District (RA District).*

**Description-**

*The Commercial and Industrial District (CI District) is defining using 2012 Property Tax Map and Parcel numbers for each property located within this district. The following is a list of properties located within said district: TAX Map 3 Lots 12,13,13-1,13-2,15,16,17,17-1,17-2,18,19,21,21-1,22,22-1,22-2,22-1-2,23,23-1,24,25,26,27,28,30 and 34.*

**Zoning Book Codification-** grants information update

Dylan informed the board that they are still in the queue and that he should know by the July Planning Board Meeting. If anything changes he will let the board know.

**OTHER BUSINESS:**

**Neighbor expressed concern about the Hudson Heights Bond.** Mike suggested that the Selectmen contact the contractor and tell the contractor that the town will pull the bond if the work is not completed. Kevin stated that the Selectmen did discuss it and he is not sure what still needs to be done by the contractor. Dylan suggested that the board might want to contact the town engineer to see what still needs to be done for the development to be accepted.

**Information from the Board of Selectmen-**

Kate informed the board that she had attended the Selectmen's meeting the night before. They had a few suggestions for the planning board as to their forms and decisions being clearer, and a possible letter being mailed out yearly to all approvals to see if there have been any changes.

Kevin stated that East Kingston has been contacted to see what they do about Code Enforcement. He also explained to the board that it would be hard for a code enforcement officer to enforce certain decisions that the boards have made in the past. With the forms and the information that is recorded the Selectmen now are limited with the actions that they can take. He suggested that the boards put more information onto the approval forms, when there is 5-10 years before there is a complaint, it is hard to determine what the original approval was.

**New Town Hall in Commercial District-**

There was a question about the commercial buildings where the town hall offices are now located. Someone was going to rent the property and they did not go before the boards for approval, the Selectmen were looking to the board for clarification on this. Kevin expressed that the Selectmen needed more teeth in the zoning book so that when it comes to enforcement the Selectmen can do something about it. Unless it is black and white and clearly listed there is no way to enforce it. The Planning Board expressed to the Selectmen to look to the zoning book for the answers. You might have to go to a few different spots, but that the information should be there. They are currently looking to recodify the zoning book so that it is easier to get answers.

**Letter to Approved Applications-**

Kate explained that at the last Selectmen's meeting they suggested that a draft letter should be sent to the approved special exceptions. Kevin relayed that maybe there is better forms for site plans, and that the information that is in some of the files now is not concise enough. The board agreed that what was originally approved should be attached for the resident to look at to compare to the existing use. There should also be a place in the letter for the resident to indicate if anything has been changed since the original approval. These forms should be mailed back to the town and kept in the original approval file. Kate asked Kevin if the Selectmen would like them to take on the formation of a yearly letter. He stated that the Selectmen decided at the June 18<sup>th</sup> Selectmen's meeting that they would like the Planning Board to take on the responsibility of doing a yearly letter to those applicants that were approved throughout the year.

**Hippie Chicks-**

The board got notification from the Selectmen about the Hippie Chicks business. The notification from the State indicated that they are expanding the kitchen area of the home. Kevin asked if you have a business in town producing food, who goes back to test the water. The board was informed that that falls under the State requirements. To get a license with the state the resident needs the boards' approval.

Kevin explained that the way the current zoning is the fines are listed for a certain amount of days and then it stops. Dylan referred the board to RSA 676:17, this section of the Administrative and Enforcement Procedures explains that there is a money fine for each offence, and then daily until the violation stops. Dylan indicated that the town should defer to the more stringent law. Joan indicated that because the state is stricter, you would follow that law on fines, and on Page 69 in the Zoning book it states that the more stringent law will apply. Dylan explained that the codification will clarify that issue and others. Bob indicated that the only practical way to deal with the problems in the zoning book is one at a time; to do

them all at once is daunting. He asked Dylan what the process is to start addressing this, the boards are not attorneys and it costs to contact them for assistance. Kevin explained to the board that the Selectmen have marked up the Zoning book and will send it back to the board with their suggestions.

Dylan suggested that he can draft a page on enforcement for the Selectmen to go by.

Joan asked if the Code Enforcement Officers have the right to access the properties. Dylan reminded the board that is why you hire Code Enforcement Officers to enforce, because it is not something that the Selectmen, or Police Department want to do. The board suggested to have at least a part time Code Enforcement Officer, or to share with another town for the few times that the town needs one. Jim asked about the Hippie Chicks applying for the kitchen, is there anything else that they need to do. Mike explained that it is an enforcement issue and then they can apply again to the ZBA because of the change. He explained that once the applications are approved and past both boards, it becomes an enforcement issue handled by the Selectmen. Kevin expressed that the Selectmen can only enforce what is on paper. Mike indicated to enforce, you go back to the original application that was used as part of the approval. The board is approving what is in front of them, and if it changes you need to come back to them.

Dylan will draft an enforcement section for the board that will clean up 1.4 and have some remedies for the boards and how they can enforce them.

#### **Boarding House/Room Rentals-**

A resident had called the town offices and wanted the Selectmen or Planning Board to write a letter to verify that you can rent a room in the Town. The Selectmen were wondering how they could enforce, and where it states that you can or you cannot have boarding houses or room rentals in the Zoning Ordinance. There was a lot of discussion from the board. Kevin would like a letter from the Planning Board stating what their interpretation of the ordinance is. There were many different views as to what the board felt was a boarding house, multi-family and room rentals. Dylan suggested that the Selectmen should contact their town attorney.

#### **32 Osgood Road-**

Jim asked if the issue with this property had been resolved yet. The State of NH had sent the town a notice that the property was going for a "Subsurface Systems Bureau Subdivision Approval Application". Jim had a problem with it stating that it was listed as a subdivision. It was stated that if it is a septic that you can fix in kind, but that it has to go through DES (NH Department of Environmental Services). The board would like to follow up with the State, Kate will call them. There are no regulations on condex units, so they are allowed in town.

**March 20, 2012 Meeting Minutes- one abstaining; Mike made a motion to accept, Jim seconded, all in favor.**

**May 15, 2012 Meeting Minutes- edit in attendance to state that Glenn Ritter was in attendance; Jim had edits-fix commercial district- unable to stay. Jim made a motion to accept the meeting minutes as revised; Mike seconded, all in favor.**

**Mike made a motion to adjourn at 9:14pm, seconded by Glenn, all in favor.**

**Next Meeting –July 17, 2012**

**Respectfully Submitted,**

**Kathleen T Felch, Planning Board Clerk**