

**KENSINGTON PLANNING BOARD
TOWN OF KENSINGTON, N.H.
KENSINGTON ELEMENTARY SCHOOL LIBRARY
TUESDAY, SEPTEMBER 18, 2012
7:30 PM**

APPROVED-with comments added-10/16/2012

In Attendance: Kate Mignone, chair; Peter Merrill, vice chair; Jim Thompson; Kevin Rosencrantz, selectmen's rep.; Bob Solomon, Glenn Ritter, Michael Schwotzer,; Joan Whitney

Present: David Buxton; Robert Gustafson, Emergency Management; Donna Carter; Jennifer Gilbert, Office of Energy and Planning Representative (OEP)-Floodplain Management Coordinator.

Kate Mignone, chairman of the Planning Board, called the meeting to order at 7:37pm.

Kate read the following description on Road Frontage to the board members and all present.

Public Hearing

The Kensington Planning Board will hold a Public Hearing to vote on the following modifications at the Kensington Elementary School Library at 7:30pm on Tuesday September 18, 2012 to:

1. Amend the current definition of "Frontage"

ROAD FRONTAGE DEFINITION-

The length of the lot bordering on and providing access to a Class V (or Better) highway but excluding limited or restricted access highways, or a street, as defined and as used in Title LXIV, Planning and Zoning, of the Revised Statutes Annotated, shown on a plat approved by the planning board. Footage requirements as specified by this ordinance shall be continuous. In the case of corner lots, frontage and front lot lines shall mean the dimensions and lines on both intersecting streets.

Kate then opened the hearing up for public comments.

Donna asked what the LXIV was referring to. Dylan explained that it is a New Hampshire RSA that defines what roads are. She asked if this would affect Pevear Lane, and allow it to be opened up and Mike responded that Pevear Lane is a Class 6 road and it would not apply. This ordinance is speaking to Class 5 roads or lower. The board discussed different situations within the town that this might affect, such as intersecting roads. Kate asked if there were any other comments on the road frontage definition. Dylan indicated that you could regulate how many driveways a resident is allowed with the driveway permitting process. Peter expressed that the driveway permits need to have more information and detail on them. The board will address these issues with the work session next month.

Kate closed the meeting to the public at 7:49pm. She asked if the board had any other comments.

Peter made a motion to accept the road frontage definition as read, seconded by Mike, all in favor.

Peter made a motion to send the road frontage definition to the selectmen for them to review for a warrant article for the March 2013 meeting, seconded by Mike, all in favor.

This will now go to the selectmen to be put on the warrant for March 2013.

Joan Whitney arrived at 8:00pm.

Kate read the following description to the board and all those present.

2. Define and amend the official zoning map of Kensington by clearly delineating and describing the location of the commercial district in town

- **COMMERCIAL DISTRICT DEFINITION-**

The Commercial and Industrial use District (CI District) is outlined on the Official Town Zoning Map and are defined below using 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).

- A. Description

The Commercial and Industrial District (CI District) is defined using 2012 Property Tax Map and Parcel numbers for each property located within this district. The following is a list of the 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.

Kate opened the hearing to the public. Dave asked if there was going to be any changes to the district that the board extends the Commercial District boarder to the parcel lot lines. Kate explained that is what the board did.

She also stated that some of the lots had partial commercial, and to clarify the District, the board went by parcel lot lines. Donna asked if the abutters were all notified and the board responded that they did not have to be. She stated that the way that the notice is written it is confusing to the abutters, and they will not know that they are now abutting commercial property. Kate explained that the parcels that are in the proposed map were already considered commercial through our Assessing records. Dylan indicated that currently there is no clear description for the Commercial Zone and no clear zoning map that depicts the Commercial District. Donna is concerned about property being partially commercial that is now completely commercial. She explained that Mr. Nichols bought the property thinking that it was entirely commercial and then found out that it is not. Peter recalled that he was not denied solely because of the entire property not being commercial; there were other aspects with the denial. Now the town has adopted the Steep Slopes District so that the hill would not be able to be built on. Donna explained that people who just bought in Hudson Heights have the ability to have input, and we are a small town and it would be best to notify the abutters. Bob agreed with Donna, and would like to get input from the abutters. He also stated that it would be nice to let them know what the board is doing. Peter asked if it would be a bad thing to hold this off until the next meeting. Dylan explained that the current Commercial District has no description with. Mike made the caveat that you do not need to notify the entire commercial district, only ones that are going to be changed. Dylan expressed that there is a picture that exists and there are no boundaries that are clearly defined, that is what the definition is clarifying. Kevin expressed that the Commercial District was chosen to be there years ago. He believes that the neighbors should be asked to be included in the district. Dylan expressed that should be looked at to be done next year; this is just to define what is already there. Dave expressed that the board should have the meeting minutes reviewed before the next meeting. The Planning Board asked to have the exact meeting minutes of the Nichols site plan review at the next meeting, to clarify any questions. Mr. Nichols intent is not allowed in Kensington and that is why he was denied. Dylan expressed that this needs to go through, because the town just has a picture based on no concrete boundaries. They are not trying to move or change the district, just add a definition and parcel based map.

Peter made a motion to continue the public hearing to the October meeting pending abutter notifications from the board, Mike seconded all in favor.

New Business:

Dave approached the board and asked for a work session for the next meeting. He would like to gather all those involved in the permitting process to clarify the driveway permits. Bill Grant, the building inspector and Lynne Bonitatibus, who hands out the permits, will be invited to the next meeting for the work session. Dave would like to add that the applicant should be required to be at the meeting, so that they know right then if they need to do anything else. Dave would also like to have a review of existing bonds that the town is involved with. Kate also expressed to the board that the Planning Board would like to look at all the permits in the town and compare them with other towns. There will be 30 minutes set aside next meeting to discuss the driveway permits and bonds.

Driveway Permit- 15 Hoosac Road- In the August meeting a driveway design for this property was denied due to insufficient information. The owner has submitted a new driveway permit with more details. David has talked to the owner of the lot about the swale in front of the lot, and the drainage around the lot

to ensure that the Town doesn't have another drainage problem onto Moulton Ridge Road. He is working with the owner to make sure that the drainage is not a problem. He expressed the application that was submitted had more information and he was in favor of approving the application that was submitted.

Mike made a motion to approve the driveway permit, seconded by Kevin all in favor.

Kevin left at 8:20pm

National Flood Insurance Program- Jennifer Gilbert- Floodplain Management Coordinator for OEP

National Flood Insurance Program (NFIP)

Robert Gustafson introduced Jennifer Gilbert to the board. She passed out folders to all the board members, which contained the presentation and helpful information for the board. She expressed that she offers training in all aspect of the Flood Insurance Plan. Ms. Gilbert informed the board of all the aspects to the program including maps, regulations and insurance. This program is to alleviate the expense of the flood insurance to the communities that belong; right now residents in Kensington are not eligible for this program, because the Town does not belong. Kensington is currently the only Seacoast town that doesn't belong to the program.

Some helpful websites are www.granit.unh.edu/; www.fema.gov; these websites will give you information on the flood zones in Kensington as well as the whole State of New Hampshire. Kensington is considered a Zone A flood zone.

The Regulations section would require permits on all development in the flood plain area. Bob asked if the existing homes would be grandfathered and Ms. Gilbert informed the board that they would be, unless they are improved by 50% or more. Ms. Gilbert noticed in our regulations that certain sheds and fences don't currently need permits, with the NFIP they would be required to have permits in the flood zones.

Questions were asked that if the town did this would all property owners in the flood areas have to have insurance. If the town entered into this program residents in the flood areas would be required to have flood insurance through their mortgage companies. But the insurance will be available through this program at a reduced rate. The board asked Kathy to look into how many households that would directly affect. If the Kensington belonged to the NFIP it would allow for people not in the zone to be eligible for flood insurance. The Towns that have the NFIP are eligible for FEMA funds, as well as the home owners. Homeowners and the Town of Kensington are currently not eligible for certain FEMA funds because we do not belong to the NFIP. The insurance rates differ depending on what floodplain you are in. If you are outside the flood plain you can pick the coverage amounts that you would like. There are guidelines to show you what the costs might be if you are in the flood zone.

For the town to join the NFIP the Planning Board would do an article that would be voted on in the next March election. If the town accepts it then the ordinance would be drafted through the Planning Board. The board thanked Ms. Gilbert for her presentation and the information that she left with the board. An informational sheet will be displayed with the meeting minutes for the town's review.

STATE DRIVEWAY PERMIT- for 61Amesbury Road-

Kate read the permit to the board and it has already been approved through the State. This is the lot behind the old school house. Joan reminded the board that the subdivision was within the last few years. The board had no comments to forward to the State.

Review of Town Applications and examples from other towns- *tabled until next meeting*

Regulations for Selectmen to have more jurisdictions over violations-*tabled until next meeting*

Maps for the NRI section of Master Plan-

Kate read the list of maps that the Conservation Commission is looking at to include in the Natural Resources Inventory, they are as follows:

Maps:

Map 1 – 2010 Land Use

Map 2 – Soils, Topography and Watersheds

Map 3 – Surface Water Resources
Map 4 – Aquifers and Groundwater Resources
Map 5 – Farmland Soils
Map 6 – NH Fish and Game Wildlife Action Plan Habitat Tiers
Map 7 – Natural Services Network
Map 8 – Conservation Lands
Map 9 – Natural Heritage Bureau
Map 10 – 2010 Aerial Photo

Mr. Gustafson explained to the board that the Commission would like to make sure that the board is okay with the maps listed. He indicated that if the board wanted to change any of the maps or include any more that they could email him their thoughts. The board was in agreement with the ones listed. Dylan was asked if there was a limit to the number of maps that the town could include and he indicated that there was not a limit. Joan asked Dylan to translate to Rob that the town would be interested in the overlay.

Legal Counsel Information on 25% and boarding houses-

The board will address this at the meeting next month with the driveway permits.

Mike left at 9:26pm.

Re-Codification Contract was signed by Kate.

This contract indicated that \$3000.00 would be due now and \$3000.00 in 2013. This is to make it easier to find certain ordinances and regulations in the current Zoning Book.

OLD BUSINESS:

Draft letter review for yearly approvals by Zoning and Planning Boards-*tabled until next month.*

OTHER BUSINESS:

Approval of August 21, 2012 meeting minutes-“we are an acting board not a reacting board” amendment on 3rd page. Peter made a motion to approve the meeting minutes with acceptations noted; Jim seconded; all in favor.

Next Meeting –October 16, 2012-**Public Hearing Continued**

Comments added as of 10-16-2012

Approval of September, 2012 meeting minutes-

The board reviewed the legal response to the 25%, and it was relayed to them that it would be on the original square footage of the home. If someone was to come in for a building permit to expand a home with a Special Exception the building permit process would trigger the applicant to come before the Planning Board again with the intent. The Selectmen are working on a way to track the Special Exceptions through the assessing records so that if you have one it will be on the tax card.

Definition of a boarding house- Kate read the attorneys definition. The board discussed that they might want to redefine the current definition of boarding houses.

Jim made a motion to approve the meeting minutes; seconded by Peter; all in favor.

Joan added the comment that with the National Flood Insurance Program the board does understand that there will be a financial impact to the residents and that is why they are looking into it more before making any decisions. Dylan did bring the maps with the overlay to see what residents will be impacted and they will be sent electronically to Kathy, for her to make a list of impacted properties for the board.

Motion to adjourn at 9:35pm by Peter; seconded by Bob all in favor.

Respectfully,

Kathleen T Felch, Planning Board Clerk

APPROVED