

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, APRIL 16, 2013  
7:30 PM  
AGENDA  
*Approved-5-21-2013***

**Public Hearing**

**In attendance:** Glenn Ritter; Michael Schwotzer, alternate; Joan Whitney; Jim Thompson; Kate Mignone; Scott Lowell: Selectmen's Representative; Bob Solomon; Peter Merrill; Dylan Smith, Rockingham Planning Commission Representative.

Kate Mignone called the meeting to order at 7:35pm. All seven members of the board are in attendance and so Mike Schwotzer will be sitting in as a non-voting member.

**Election of Chairman and Vice Chair:**

The Board changed the order of the Agenda to Elect the Nominated Chairman and Vice Chairman. The nominations were made at the last meeting.

**Jim made a motion to accept the candidates as proposed at last meeting. All in favor.**

**This vote will make Peter Merrill the new chairman and Joan Whitney the vice chairman for the coming year.**

**Public Hearing for Scenic Road Tree Cutting and Removal:**

Notice is hereby given of a public hearing to be held by the Kensington Planning Board on Tuesday, April 16, 2013, beginning at 7:30 p.m. at the Kensington Elementary School Library, 122 Amesbury Road, Kensington, NH. The purpose of the hearing is the following:

- 1) For the Local Utility Company Unitil to remove and trim trees on Kensington's Scenic Roads, Osgood Road and Trundle Bed Lane; Pursuant to RSA Chapter 231:157 and RSA 231:158. Public Notification is required on Scenic Roads within Kensington pursuant to Chapter II, Article 5.1a of the Zoning Ordinance and Land Use Regulations.

Unitil Representative:  
Chris Moultroup  
Forestry Supervisor

Peter opened the public hearing and asked Chris Moultroup from Unitil to come forward, he explained that he is the Forestry Supervisor for Unitil, and that Unitil is going to be changing the feed for Trundle Bed Lane so that it will now come from Shaw's Hill Road. It currently comes from Seabrook. Because of the conversion occurring on Trundle Bed Lane, 23 trees will need to be removed. The large Ash tree that is at the old entrance to the park was originally slated for removal because of decay and the runners coming off of the trunk. The Selectmen have opted to save that tree and are seeing if it can be cabled.

Mr. Moultroup explained to the board that Unitil is going higher with the new poles and that means more trimming. All of the trees to be taken are going to be marked by ribbon, any color, and they will be obtaining land owner permission for the removal of trees not in the right of way. The trees that ribbon has been removed from, does mean that they have been removed from the list, as long as Unitil has removed the ribbon. Unitil has a master list that the trimmers will be going by.

Peter then opened the meeting to public comment.

June Hampe from Osgood Road commented that the canapé over the road is nice and she would like that to remain on Osgood Road as well as the scenic roads if possible. She urged Unitil to take caution in

removing trees when it isn't needed. Ms. Hampe was also unhappy with the current look of Route 150 trimming and doesn't want to see Osgood look that way.

Ralph Furbush explained to the board that he has a tree that is looking to be a problem off of Trundle Bed Lane and he gave Mr. Moultroupp permission to remove it if possible. Mr. Moultroupp informed Mr. Furbush that if the tree is located on a primary he might be able to remove it but if it is on a secondary line he will be unable to. He will look into it.

Kate asked how many trees total in Kensington will be removed. Mr. Moultroupp indicated that the trees that are not located on Scenic Roads have not all been identified yet, so he doesn't have that information. He did express to the board that the trees would not be removed without landowner permission.

Joan was told that the big Ash tree on Trundle Bed Lane was to be cabled and asked if it stayed would the town be held liable for any damages to the wires. The response was that no more than any other tree that falls on the wires that are located on town land. Mr. Moultroupp informed the board that the forestry program did not exist before last year so that is why the trimming is so extensive, and that it will occur on a 5 year cycle from here on. Mr. Moultroupp had been asked earlier if Unitil would cable the tree on Trundle Bed Lane instead of removing it and he responded that if they did that they would be paying for the cabling and then the eventual removal of the tree years later. So they would not be able to cable trees for the town. Harold Bragg explained that the cabling of the tree would allow the tree to flex so that the branches are still going to be able to move, but the limbs will be secured and most likely the tree will fall all together instead of limbs falling off. Mr. Cilley commented that the Trust will be having a meeting and seeing if the funds are there for them to be able to afford the cabling.

Rob Garneau asked if they had examined the trees from the outside only. Unitil had examined the trees using a basic visual.

Peter expressed that it would be nice for the town to know the grid plan for future meetings.

Bob asked that if there is a dispute on a tree will Unitil still take it, and Mr. Moultroupp explained that they would not. Joan expressed that she was happy with what Unitil had done so far and it was nice to not lose power in the last winter storms that we had. Mr. Moultroupp explained that the storms are very expensive for Unitil and hopefully the trimming will help. Sue Garneau asked if there were any plans for a cleanup of the stumps in particular. Mr. Moultroupp explained that the stumps will be left, they do not grind them.

Jim asked why the poles are going higher, and it was explained that they needed to because of the number of wires on the poles. They have to have a certain amount of space in between the wires, which is causing the poles to have to be longer. Peter expressed again that he would like Unitil to get the grid restructuring back to the town for our records.

The public comments section of the hearing was closed for the board to deliberate.

**Peter asked if there was a motion.**

**Joan made the motion for Unitil to proceed with the trimming and cutting on the Scenic Roads in Town as listed on the Legal Notice. Glenn seconded.**

The board then further discussed the motion and Joan asked if Unitil will be notifying the Conservation Commission about the cutting on Conservation land.

**Amendment to motion:**

**To include that the Conservation Commission be notified on the Conservation Land in Town as well as land owners. Mr. Moultroupp will be sent a conservation map to determine the lots which need Conservation Commission notification.**

Discussion on amendment- Jim wouldn't it be up to the selectmen on the town land.

It would be for only the town conservation land.

**Amendment all in favor none apposed.**

### **Public Hearing LLA**

2) To hear the Application for a Lot Line Adjustment for Kensington Investment Co., at 24 Muddy Pond Road, M5 L28-4, Pinnacle Leadership Foundation M5 L31, and Sean and Patricia McCarthy M5 L31-3; they are proposing to add 1.43 acres to the M5 L28-4 parcel and take .83 acres from M5 L31-3 and .60 acres from M5 L31. This will allow M5 L28-4 to contain 26.52 acres, M5 L31-3 to have 2.01 acres and M5 L31 to have 2.01 acres.

Joan is recusing because she is an abutter to the Lot Line Adjustment to be voted upon, and Mike will be a voting member for this application.

The board reviewed the map of the Lot Line Adjustment. Bruce Cilley the representative for Kensington Investment Co. approached the board and explained the lot line adjustment.

Lots A and B will be merged with the 28-4 lot, the purpose of the merger is to have the pond all on one lot. Mike asked Mr. Cilley what the area would be of each parcel and would they have the 200 feet frontage, and Mr. Cilley showed him that the lots don't currently have 200 foot frontage, they are just changing the lot lines on the back of the lot and not changing any frontage.

Dylan had sent the board his review which stated that the lot line on the edge of lot 31 should be clarified as a bold line not a hashed one. Mr. Cilley expressed that the Mylar will reflect that change.

Peter opened the meeting for public comment at 8:30pm.

Joan had a question as an abutter to the lot. She produced an older map that has the lines depicted differently. Joan had questions on the lot lines and where they fall. Mrs. Larson was asked if she was sure of where the lot line was. She indicated that it was her understanding that the line went into the pond, but it is hard to get out back there because it is so wet. Joan asked if the added parcel will be part of the conservation land that is on that lot. Mr. Cilley indicated that the added land is the pond and would not be added to the conservation land.

Peter asked if there was any more public comment. None expressed so he closed the public comment section at 8:38pm.

**Mike motion to approve the Lot Line Adjustment as presented with 2 conditions:  
Clarification of the lot line on the plan by darkening the dash line and making it solid  
Monumentation Certification**

**Chairman has the right to sign the plan when the conditions are met.**

**Glenn seconded all in favor.**

Closed public hearing 8:41pm

### **New Business:**

**Driveway Permit-** if any submitted- none submitted

### **Meeting minutes: from February 19, 2013-**

Dylan had a minor adjustment to the meeting minutes that should have read: for CIP-update the growth management of the master plan to develop the impact ordinance.

**Joan moves that we approve the meeting minutes for February 19, 2013 as amended, Mike seconded all in favor. Two abstentions.**

### **Capital Improvement Program- 2006-2012- discussion-**

Mike explained that the board needs to get the improvement plan out there. The first step is contacting the different departments, and getting the needs for the individual departments documented. Next would be to start funding the program through yearly warrant articles, maybe starting at \$10-\$20,000, which is put away and is untouchable until one of the departments need to draw on it, and it would have to be something that was submitted to the Planning Board beforehand. The town is able to make the Selectmen able to expend from this account or they can vote on it yearly what to use the money for. We have had the program now for years, but there has been no funding mechanism. Once the yearly articles are approved by the voters, if the amount stays the same there is no further impact on the tax rate. The ideal way to expend is through the Selectmen. This fund is very specific as to where the funds are able to go. Or you can have a warrant article ready each March for the town to vote on. The Board expressed that the support of the Selectmen is what will make this program work. Kate asked if the plan was implemented and Mike responded that the plan was done in 2006, but it was not funded, so was unhelpful. Mike also suggested that the board have the CIP drawn up and put before the voters so that they can see what they are voting on. The way to explain it would that it would be the same as the road reconstruction, once it is voted on it doesn't affect the tax rate, because it is already built into it.

Bob asked Dylan if this program works in other towns and he indicated that if it is funded, it is good to have. The CIP is good for the town and will be a way of showing the voters where they got the need for certain things. Kate asked if the town has a current threshold for the base amount that could be asked for and we currently have one in the plan of \$20,000. The CIP is for larger, longer scale department needs

The board will continue with the discussion next meeting and will be inviting the Conservation Commission to come with any needs that they might have.

### **OLD BUSINESS:**

#### **NFIP-** (National Flood Insurance Program)-continued discussion-update

The board is ready to go forward with the program and would like to have Jen come back and let them know the next steps that they will need to take to implement the program. The insurance will be less expensive for the people in the flood plains, and it will let the town and residents be able to collect on FEMA funds with disasters related to flooding.

### **OTHER BUSINESS:**

#### **INTERNET ACCESS**

Peter expressed to the board how helpful it would be for the planning board to have internet access during the meetings. He would like the school to be asked if it would be possible to have the access code for the meetings and also if they would be able to access some sort of projector for the plans to be seen clearer. This way the applicant could bring in all the information on a thumb drive and it could be displayed so that the whole room is able to view the plans. Kathy will contact Margaret at the school.

#### **TAPING MEETINGS**

Peter also asked the board how they felt about taping the meetings. He expressed that it would help with the meeting minutes and if the board was to be involved in any court cases for a backup. The written meeting minutes will be the official copy and as soon as the written meeting minutes are approved the recording will be destroyed. The new laptops are able to record and the recording is very understandable, so that can be used for the meetings.

**Joan moved that the board start recording the meetings again, Peter seconded all in favor.**

Joan asked about the architectural designs for the Commercial District, and if the board is going to go through with it. Dylan has some examples from Greenland and the Route One Project that he will show the board.

#### **Hudson Heights-** Vote to release the bond.

**Joan made a motion to release the bond on Hudson Heights, seconded by Bob.**

**Discussion-** Jim asked that if we release the bond does that mean that the road is complete.

Mike explained that this is just a formality that needs to be done, the selectmen have already signed off on the deed and the town has voted to accept the road, but the Planning Board was involved in the process so they need to approve the release as well.

**All in favor; one abstention**

**Motion was made to adjourn by Glenn seconded by Joan. All in favor.**

**Next Meeting –May 21<sup>st</sup>, 2013**

Respectfully Submitted,

Kathleen T Felch  
Planning Board Clerk