

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, JULY 16, 2013  
7:30 PM  
APPROVED-8-20-2013**

**In Attendance:** Joan Whitney, Vice Chairman; Glenn Ritter; Michael Schwotzer, ALT.; Kate Mignone; Peter Merrill, Chairman; Scott Lowell, Selectmen's Rep.; Dylan Smith, RPC; Bob Solomon.

Called to order at 7:31pm by Chairman, Peter Merrill.

Peter informed the board that the Public Hearing notices that were sent out to the applicant and the Engineer had a typo on the date. Peter inquired to Dylan what the protocol is for this issue. He expressed that if there are not any objections from the applicant, who was in attendance, and he is in agreement to continue to the Public Hearing then the Hearing can still be had. Mr. Pacy was in agreement to continue to the Public Hearing. All of the other notices to the abutters, the public notice that was posted and the newspaper notice that was published, all had the correct date on the notification. These can be viewed at the Town Hall and are on file in the applicant's folder.

**Pacy, Bruce - Site Plan Review for Business in the Commercial District**  
**275 South Road, Kensington, NH 03833**

Peter then opened the Public Hearing at 7:34pm.

Mr. Pacy approached the board with a revised plan for the board to review. Dylan had forwarded his comments earlier in the day to the engineer with Civil Construction Management Inc. and he made changes to the plan for Mr. Pacy to present to the board tonight. The board reviewed the plan and looked at the letter that Dylan had prepared.

Kate asked if the trucks would be maintained on the lot and Mr. Pacy explained to the board that any maintenance will likely be done in the building. Peter wondered if Mr. Pacy would be treating any of the wood chips, he explained to the board that he would not be selling chips out of the property and would not be treating them; it is a dump area for convenience. There will always be chips there but not necessarily the same ones, it is just to store them until there is enough to be moved.

Joan was wondering the square footage of the chipping area. Scott Lowell asked what his service area will be. Mr. Pacy explained that he will be servicing Kensington, NH to Wakefield, MA. The maximum capacity of his trucks he currently has is 100 yards.

Mr. Mabardy one of the abutters expressed concern with a few things and submitted a letter to the board that will be kept in the applicant's file. Mr. Pacy would like the neighbors to know if they have a problem at any time to please approach him and he will do his best to address the situation. He is also living at an abutting property so will be in town.

What Mr. Mabardy was concerned about was the sight of the building and Mr. Pacy has tried to keep the building hidden, he started to trim the trees away from his warehouse instead of removing the trees. He has talked to Mr. Mabardy already and discussed his concerns. He expressed that the chipping will not be done on site.

In the current town noise ordinance it states that 10pm to 7am any consistent noise is not permitted. The ordinance is very vague. Kate expressed that if it was just the employees coming and going it shouldn't be a problem. He would like to come in to get the trucks at 6:30am and be back as late at 8pm.

This is just an area to house the trucks, he doesn't work there he will just be driving the trucks from there to go to his jobs, and leaving the employees trucks for the day.

Laurie Cyr asked how many trucks the applicant has. Mr. Pacy currently has 6 trucks and 4 employees. The right of way that goes to Mr. Mabardy's property was not listed on the submitted plan, but is on the revised one the board is viewing.

**Kensington, NH**

Kate asked about the current water supply for the lot and Mr. Pacy indicated that there is a well located on the property that goes to a spout on the side of the warehouse that drains into the ground, there is no septic system installed at this time, but he did get one drawn up, just not installed. There is no sink and no heat in the warehouse so plumbing can't be in there, Joan would like that noted on the plan. Glenn asked if the driveway width should be noted on the plan where it is already there.

Laurie Cyr asked about the sign and if that was a permanent place for it. Mr. Pacy expressed that he told the engineer that he wanted one and that was where he put it. He asked if they would like it moved because he noticed it was right across from her residence. Laurie Cyr expressed that she would like it moved if possible. Mr. Pacy indicated that he would have it changed on the plan. The board informed him that he would still need to obtain a sign permit.

Dylan had submitted his comments to the board and they went through them to see if the new plan addressed all of them and it seemed to.

Dylan suggested that Mr. Pacy have a waiver request drawn up for the septic where they will be only storing the trucks there. He said it was important to note that they would be going there and then off to various jobs they would not be working there. Joan suggested that it contain the average hours that the employees will be on site. The board went through the following suggestions to be added to the plan or presented:

- 1) Dimensions of buildings and structures and setbacks
- 2) Setback of the retaining wall for the chipping area
- 3) Dimensions of the driveway
- 4) Hours of operation in conjunction with the septic waiver
- 5) Well states that the well onsite is to be used for landscaping purposes only.
- 6) If moving the sign have it reflected on the plan.
- 7) Take out the wording of Temporary on the Chipping and log areas
- 8) Dimensions of the shed to be constructed
- 9) List that it is a Commercial Tree Service Building and the name of the Business on Plan
- 10) Seek Conditional Use Permit for the Aquifer District
- 11) Solid waste disposal- garbage. Matter should be noted on the plan. Solid waste will be stored inside as opposed to dumpster until time of removal.

**Motion to accept the application as complete by Mike, Joan seconded all in favor**

**Motion to continue the Public Hearing to the August 20<sup>th</sup> meeting made by Mike, Kate seconded, all in favor.**

Peter expressed his appreciation to the applicant for working with the board.

### **New Business:**

**Driveway Permit-** none

### **Memorandum of Understanding-**

DOT and Town for driveway cuts on the State Roads.

Peter indicated that the selectmen looked at the memorandum last night and they were in agreement with it.

Peter questioned who makes sure the site distance remains on driveway cuts. Code Enforcement would enforce it with the Road Managers input.

The board will go forward with the Memorandum. No motion made.

### **Grant Opportunities for Road Sides-**

Joan brought up that there is a grant that the town might qualify for that will help with the erosion control on the sides of the roads. She gave the information to Kathy to scan and send out. Below is the program information.

### **Transportation Alternatives Program (TAP) Guidance**

**FINAL: June 10, 2013**

This guidance supersedes all previous guidance, including questions and answers, regarding the Transportation Alternatives Program.

### **PROGRAM PURPOSE**

Kensington, NH

The Transportation Alternatives Program (TAP) was authorized under Section 1122 of Moving Ahead for Progress in the 21st Century Act (MAP-21) and is codified at 23 U.S.C. sections 213(b), and 101(a)(29). Section 1122 provides for the reservation of funds apportioned to a State under section 104(b) of title 23 to carry out the TAP. The national total reserved for the TAP is equal to 2 percent of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year. (23 U.S.C. 213(a))

The TAP provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways. <http://www.fhwa.dot.gov/map21/guidance/guidetap.cfm>

Scott Vogel can help with the process if the board needs help.

#### **NFIP- National Flood Insurance Program-**

Kate informed the board of her discussion at the Selectmen's Meeting and they agreed that the people in the area should be given notice of the meetings. They were still a little hesitant, but agreed that we should move forward with the process. Kate filled out the application. Jennifer Gilbert indicated that she would be able to attend a Selectmen's meeting if needed. Kate had emailed her and discussed some of the concerns. Ms. Gilbert had read the Selectmen's meeting minutes and answered their questions in an email, Kathy passed out the email answers. Kate asked about specific prices on insurance with the residents in the NFIP and what it would be if we didn't join. Ms. Gilbert will be getting back to her. We have had two residents that have been to the meetings and have been affected by the Flood Zone that the board knows of. Joan indicated that there is a way to lower the rates for the residents affected by passing more stringent regulations. Peter was told that they would not all need to do a LOMA to be removed from the zone they could just have a surveyor. They should be able to provide the information needed.

The board agreed that Ms. Gilbert should be asked to the next Selectmen's meeting; Kate will be able to make the meeting. Kate will contact Ms. Gilbert and ask when she can make it, and she will also work on drafting a letter or post card out to residents in the Flood Zone. Peter mentioned to the board that there is another Company that the residents can use to obtain flood insurance it is [Selective](#).

**Joan made a motion to have Kate draft a letter, seconded by Glenn. All in favor.**

**Peter left at 8:58pm. Joan will run the rest of the meeting.**

#### **OLD BUSINESS:**

##### **Draft of the Zoning Book-**

Joan asked for comments from people about the zoning book. Joan liked the reorganization she thought it was well organized. Kate had questions about problem areas that came up in the moving of things. Bob asked if they can start to use the new book or will they have to have it voted on before they do. Dylan indicated that they are all set as a board to start using the draft of the zoning book. Dylan will go through and print out the final copy and make a CD of it for the town. He suggested making the folder for the ordinances and have them all different colors so that it is easy to find things.

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

Nothing tonight, Kathy will check with Conservation Commission and Chief of Police and Emergency Management to see if they have formalized their department's needs.

#### **OTHER BUSINESS:**

##### **Kuegel Pit Closure Procedure:**

Peter asked if Mr. Kuegel has to submit something to the state. The state came in and did a survey on it. Mike mentioned that when the Kimball property pit was reclaimed, the state came in and did a survey on it. Contact the state and ask Mary Pinkham Langer and see what they need to do.

#### ***Approval of June 18th, 2013 meeting minutes.***

**Bob made a motion to approve the meeting minutes, seconded by Glenn, in favor. One abstention.**

##### **Capital Improvement Plan-**

Joan informed the board that the population predictions should be considered as we are looking at the capital improvement plan. Bob the age of the population plays into it.

**Safety Center:**

Questions were asked about the committee that the Selectmen are looking to form to help with the issue of the Police Department not having a permanent area. Scott said that they would like to keep it in the center of town, but money is the issue, as well as getting them into someplace that has a bathroom. Joan asked if there is a place found for the police would there be considerations to adding the fire department as well, possibly making it into a safety complex. Dylan suggested that a needs assessment should be done for the town.

**Next Meeting –August 20<sup>th</sup>-continuation of Pacy Site Plan Review**

**Mike made a motion to adjourn, seconded by Glenn at 9:24pm.**

Respectfully submitted,  
Kathleen T Felch, Planning Board Clerk

APPROVED