

KENSINGTON PLANNING BOARD MEETING
at Kensington Town Hall Meeting Room, 95 Amesbury Rd, Kensington, NH
WEDNESDAY July 21, 2021 – 7:00pm
Meeting Minutes – Approved 8/18/2021

In attendance: Robert Chase, Chairman; Mary Smith, Vice Chair; Bob Solomon, Selectman's Representative; Member; Mike Schwotzer, Member; Josh Preneta, Member; Justin McLane, Alternate; Glenn Greenwood, Planner.

Andy Clarke was present as Planning Board Clerk. Matthew Armstrong was present as Road Manager. Emile Bussiere and Corey Colwell were present representing the Hog Hill Preserve Application. James Williamson and Jeffrey Borstell were present representing the 123 Amesbury Road application. Robert O'Keefe, Elaine Bodwell, Hal Bodwell and Dennis Quintal were present representing the O'Keefe and Bodwell applications. Dan Koravos and Kevin Bilodeau were present representing the 3 Dow Lane application. Alan DeFreitas, Pat Mitchell, Edward Mitchell, Cindy Eaton and Kathy MacQuarrie were present as members of the public.

At 7:01pm, Robert called the meeting to order. 40 minutes were allotted to each applicant.

At 7:04pm, Robert made a motion to open the Public Hearing for Hog Hill Preserve, LLC and read the following aloud:

TF Moran, Inc. c/o Corey Colwell on behalf of Hog Hill Preserve, LLC with a physical location of 14 Bartlett Road, Kensington NH further identified as Map 4 Lot 3 and TF Moran, Inc. c/o Corey Colwell on behalf of Hog Hill Preserve, LLC with a physical location of 2 Bartlett Road, Kensington NH further identified as Map 4 Lot 7-1 have submitted a Lot Line Adjustment application in accordance with Article III Section 3.2 G1 of the Kensington Subdivision Regulations. A portion of the parcels involved are also located in South Hampton, NH. This item was continued from the June 22nd, 2021 meeting.

Mike seconded. All in favor. The motion passes.

Mr. Colwell summarized the changes from the last meeting. He noted the waivers had been approved and that minor changes were made for the Lot Line Adjustment. Buildings and leach fields had been noted on sheet S-4 to show distance from lot lines. The plan now reflected South Hampton Map 5 Lot 26 as being owned by Hog Hill Preserve. The waivers had been updated on the maps on sheets S-4 and S-5.

Robert read through the Lot Line Adjustment Application Checklist. All items were complete or not applicable.

At 7:13pm, Robert made a motion to accept the application as complete. Mike seconded. All in favor.

There were no questions from the public.

There was discussion about a driveway and ownership and maintenance. Mr. Colwell responded to questions in an email from Fire Chief Jon True. He stated that 2 new lots were being created, although the net result was 1 additional building lot. He explained that there were gates and that either a lockbox with a key would be provided or the gates would be removed. He continued that the address is 911 approved, although he has not received final addresses. however, they will be placed on the plan prior to recording. He explained changes that had been made since the original application.

At 7:21 pm, Mike made a motion to grant the lot line adjustment requested by TF Moran Inc c/o Corey Colwell for Hog Hill Preserve 14 Bartlett Road Kensington, NH, approved subject to conditions:

- 1) Certification of Monumentation be supplied before recording.

- 2) The Voluntary Lot Merger of Map 1 Lot 2 and Map 1 Lot 1 merging into Map 4 Lot 7-1 to be done simultaneously with the recording of the Lot Line Adjustment between Map 4 Lot 3 and Map 4 Lot 7-1.
- 3) That all necessary certifications and signatures be applied to the plan by the engineer and soil scientist
- 4) The Chair is authorized to sign for the board upon completion of the other conditions

Mary seconded. All in favor.

At 7:23pm, Mary made a motion to close the public hearing. Mike seconded. All in favor.

At 7:24pm, Robert made a motion to promote Justin McLane to Full Member for the remainder of the meeting. Mary seconded. All in favor.

At 7:24, Robert made a motion to open the public hearing for Dynamis Development, LLC c/o Jeffery Borstell and James Williamson and read the following aloud:

Dynamis Development, LLC c/o Jeffery Borstell and James Williamson with a physical location of 123 Amesbury Road, Kensington, NH further identified as Map 8 Lot 30 have submitted a Conditional Use Permit Application for an Accessory Dwelling Unit in accordance with Article III, Section 3.2.3 of the Zoning Ordinance for the Town of Kensington.

Mike seconded. All in favor.

Robert asked the applicant to describe the project. Mary asked if the Accessory Dwelling Unit (ADU) was going to be changed from its current design. The applicant stated that the square footage would not change. Mike asked what the building permit was granted for. The applicant explained that it was for the upstairs portion of the property and that they were in contact with the Building Inspector. There was discussion about existing bedrooms. Mike asked if the windows had been reviewed for egress. The applicant stated the stairs to the main floor, the carport and windows would be considered egress. It was noted by the applicant that there was no one currently living at the residence. There was discussion of whether or not the ADU could be approved without an owner. Mike noted that both units could be listed as not able to be rented at the same time. Justin asked if it could be a rental house to a single family. Glenn answered that the house could be rented, but not the ADU only. It would be a single family home with an ADU in it. Josh mentioned the applicant had failed to initial item "c" on the application. The applicant agreed to rectify that omission. It was noted by the applicant they would be the realtor for the property and would ensure the property would not be listed as a 2 family dwelling. Mary asked about the parking and the garage. It was described as a screened in garage and was written as open-air carport. There was discussion about the septic tank and whether it would support 3 bedrooms and 2 kitchens. The capacity of the septic tank and the age was discussed. Inspection and adequacy to service both the ADU and the single-family home were also discussed. After deliberation it was shown that the system has a 1500-gallon septic tank with a 500-gallon pump chamber that was designed to service both a 2-bedroom house with a kitchen and a 1-bedroom apartment with a kitchen. The system was deemed adequate for the dwelling. This system was approved by the NHDES and can support the ADU. There was an inspection from a licensed inspector stating the system is operational.

Robert read through the ADU Application Checklist.

There was discussion if a backup design plan was necessary. Mike read the regulations stating that proof of adequacy shall include an existing septic plan approved by the DES and a site inspection by a septic designer verifying proper functioning or a new replacement plan. The applicant had met those requirements. There was discussion about Subdivision Regulation 3.2.3G ADU requirements.

At 8:08pm, Robert made a motion to accept the Conditional Use Permit for an Accessory Dwelling Unit Application as complete. Mike seconded. All in favor.

There were no questions from the public.

At 8:09pm, Mike made a motion to grant a Conditional Use Permit for an ADU to the Dynamis Development, LLC for the property located at 123 Amesbury Road Kensington NH, identified as Map 8 Lot 30 with conditions:

- 1) Property to be owner occupied for the ADU conditional use permit to be in effect.
- 2) Property to be advertised for sale as a single-family dwelling with an ADU and not a two-family dwelling.
- 3) The applicant initial the original application for Item C of the application.

Mary seconded. All in favor.

At 8:11pm, Robert called for a 5-minute break.

At 8:17pm, Robert made a motion to open the public hearing for Robert A. O'Keefe Sr. Revocable Trust, Lorraine P. O'Keefe Revocable Trust and Elaine P. Bodwell Revocable Trust of 2010 Lot Line Adjustment application and read the following aloud:

Robert A. O'Keefe Sr. Revocable Trust and Lorraine P. O'Keefe Revocable Trust with a physical location of 64 Wild Pasture Road, Kensington NH further identified as Map 9 Lot 13-1, and Elaine P. Bodwell Revocable Trust of 2010 and Lorraine P. O'Keefe, Revocable Trust with a physical location of 62 Wild Pasture Road, Kensington, NH, further identified as Map 9 Lot 13 have submitted a Lot Line Adjustment application in accordance with Article III Section 3.2 G1 of the Kensington Subdivision Regulations.

Josh seconded. All in favor.

Dennis Quintal introduced himself as the engineer for the application. He described the O'Keefe property as being less than an acre and the Lot Line Adjustment would add land from the neighboring 75-acre parcel to make a lot that is 2.01 acres. The resulting parcel would have approximately 50 more feet of frontage on Wild Pasture Road. Mike asked what the left over frontage of the abutting subdivided parcel would be after the Lot Line Adjustment. Mr. Quintal explained that it would be 200.23 feet. Josh asked about the well location and a path that were noted on the plan. It was explained that it was a path that leads onto the property and that the well was placed to make a more conforming lot.

Robert read through the Lot Line Adjustment Application Checklist. All items were either fulfilled or not applicable.

At 8:27pm, Robert made a motion to accept the application as complete. Josh seconded. All in favor.

The Board decided to proceed with the application in an expedited fashion. The Chair asked if there were questions or comments from the public. There were none.

At 8:31pm, Mike made a motion to grant the Lot Line Adjustment requested by Robert A. O'keefe Sr. Revocable Trust and Lorraine P. O'Keefe Revocable Trust with a location 64 Wild Pasture Road identified as Map 9 Lot 13-1 and Elaine Bodwell Revocable Trust of 2010 and Lorraine P. O'keefe Revocable Trust with physical location of 62 Wild Pasture Road further identified as Map 9 Lot 13 adding what is shown as Parcel A increasing the lot size to 2.0126 acres with a condition that:

- 1) Certification of Monumentation be provided.
- 2) The plan have the necessary signatures and certifications fixed to said plan.
- 3) The chairman is approved to sign for the Planning Board at completion.

Justin seconded. All in favor.

At 8:33pm, Robert made a motion to close the public hearing. Bob seconded. All in favor.

At 8:33pm, Robert made a motion open the public hearing for Robert A. O'Keefe Sr. on behalf of Elaine P. Bodwell Revocable Trust of 2010 and Lorraine P. O'Keefe Revocable Trust Subdivision application and read the following aloud:

Robert A. O'Keefe Sr., on behalf of Elaine P. Bodwell Revocable Trust of 2010 and Lorraine P. O'Keefe Revocable Trust, with a physical location of 62 Wild Pasture Road, Kensington, NH further identified as Map 9 Lot 13 have submitted a Subdivision Application for a 3-lot subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington.

Justin seconded. All in favor.

Dennis described the subdivision as a 75-acre parcel to be divided into 3 lots. Map 9 Lot 13 would be subdivided into 3 lots approximately 15 acres, 32 acres and 27 acres in size which would leave open space and uplands on each lot. Wetlands had been identified as well as contours and grading on the map. He explained that the Bodwells and the O'Keefes had considered different subdivision options such as smaller lots with a road, however the applicants would like to maintain the open nature of the space and thus chose this design. Test pits were made after the subdivision application was submitted however there is a revised copy with the new 4k reserve areas. Josh asked what the purpose of the subdivision was. Mr. Quintal stated that it would allow the applicants to not be partners in the future and still meet their requirements as applicants.

The applicants sought to waive requirements from Subdivision Regulation Article III 3.3.H which requires minimum lot size be determined by a high intensity soil survey. Dennis stated that these are large lots and felt that a high intensity soil map would not be required to verify there is enough upland soil. He explained for the Board that high intensity soil maps were created for development controls to look at the soil receiving limits. This is for different types of soils and minimum lot size requirements for each type of soil. There was a discussion about the values used and how they were changed over time. This is for receiving of wastewater and a weighted average of the soils is used. How the soil samples were taken was discussed and how it relates to high intensity soil and the slope of the land to determine the map.

At 8:49pm, Mike made a motion to approve the waiver for the Subdivision Regulation Article III Section 3.3H requiring minimum lot size to be determined by high intensity soil mapping due to the conditions of the land specifically the total size of the proposed lots. Granting this waiver would carry out the spirit and interest of the regulations. Seconded by josh. All in favor.

The applicant sought to waive Subdivision Checklist requirement of a minimum scale of 1" to 60'. This was intended to reduce the number of sheets and for convenience.

At 8:51pm, Mike made a motion reject the waiver request because it is not applicable. Robert seconded. All in favor.

Mike noted that the fire regulations were not applicable to this subdivision as it is less than 4 lots.

Robert asked Mr. Quintal to address Mr. Greenwood's written comments which had been provided to him and the Board prior to the meeting.

Mr. Quintal stated that the property is located in the town's aquifer district and that notes could be added to the plan to that effect. He explained that test pits were not shown on the original plan however he noted there is a revised plan that has since been given to the Board that shows the test pit locations and adjusted 4k areas. That will be placed on the second sheet of the contour maps on file with the town. There was discussion about the requirements for a septic

reserve area. Mr. Quintal continued with Glenn's comments by noting that monumentation for the common back corner of proposed Map 9 Lot 13-2 and Map 9 Lot 13-3 which he stated would be set as part of the bound certification that would be provided. The next comment regarded a driveway reserve area not being shown on the plans. He felt that that he could show where a driveway could possibly be placed on the plans. He then addressed Subdivision Regulation 3.3M tree clearing. Mr. Quintal noted that these are single family lots and there would be a clearing for the well, driveway, septic and house. He stated he could show where a house could go if necessary. There was discussion about the necessity of a waiver in this case. Dennis noted he could show a proposed house on the plans. Mike noted that a representation on the plan would show what would typically be cleared for a house. Mr. Quintal stated that he wouldn't want to lock an owner or buyer into a design. Mike stated the same for driveway reserve areas. It would be a representation of the possible clearing for the house. There was discussion about representation of tree clearing and a driveway reserve area. Robert asked if a developer could purchase one or more lots and then develop the parcel(s).. Mr. Quintal noted that it would be up to the O'Keefes and the Bodwells to find buyers who shared their intentions to maintain open space and build a single-family residence. Mr. Quintal addressed Subdivision Regulation 3.3.P which requires an error of closure. There was discussion about the regulation.

At 9:08pm, Robert made a motion to continue to the next meeting on Wednesday August 18th, 2021. Josh seconded. All in favor.

9:10pm, Robert made a motion to close the public hearing. Justin seconded. All in favor.

At 9:10pm, there was a 5-minute recess.

Mary recused herself as an abutter for the next hearing.

At 9:14pm, Robert made a motion to open the public hearing for Kevin Bilodeau c/o Suncoast Builders on behalf of Carol J. Sargent and read the following aloud:

Kevin Bilodeau c/o Suncoast Builders on behalf of Carol J. Sargent with a physical location of 3 Dow Lane, Kensington, NH further identified as Map 6 Lot 60 have submitted a Subdivision Application for a 2-lot subdivision in accordance with Article III Subdivision Regulations for the town of Kensington.

Josh seconded. All in favor.

Dan Korovas described the proposed subdivision. It is a 4.3-acre parcel that will be subdivided into two lots. He stated that the lot sizes meet Town Regulations for size, high intensity soil sampling and State NRCS regulations. He stated there was DES approval and setback requirements were met. He described the soils on the site. Mr. Korovas described drainage as flowing toward Lamprey Road and towards the wetlands. There is also a culvert to aid in drainage. Using infiltration, they have reduced runoff and impact for surrounding properties. He described the area as a field, mostly grasses and weeds. Trees were sparse which the plans show in regard to clearing. Driveway requirements were per town requirements with slopes less than 8%.

Dan addressed Glenn's written comments on the proposed plan. The first comment was that the site was in the Town's aquifer protection district. He stated it could noted on the plan. Secondly, he stated that DES approval had been granted for the subdivision and the approval number could be placed on the plan. Property line monuments and bounds will be placed as required by the town and noted on the plan. He addressed a question about using a silt sock or a silt fence. He stated they could use either one, whichever is appropriate. He explained that there is a regulation that intermediate monuments be set if it exceeds 400' which he said would be done and noted on the plan. Lastly, there was a mention of the error of closure which had been omitted, and it was agreed it would be placed on the plan with 1 in 10,000.

Mike asked about the septic reserve area in Lot 2. He stated the reserve area was in the hashed area and asked if its shape was determined by setback from soils. Mr. Koravos stated that it could be a rectangle if necessary but that it was approved by DES. There was discussion about soil types. Bob asked about an abandoned well on Lot 1. The new well will be in the back of the house. Mike asked the reason for the abandonment. The well radius was outside the property and the new radius will be inside of it.

Robert read through the Subdivision Checklist.

At 9:34pm, Robert made a motion to accept the application as complete. Mike seconded. All in favor.

Robert asked for comment from the public.

Alan DeFreitas stated that he felt Dow Lane was not suitable for additional traffic and would need to be improved to support it. He felt that the builder should be required to improve the road. Mr. DeFreitas gave his recorded widths of the road and described the road as it progresses, which he stated was narrower toward the back of the road. The road was described as a class V road and town maintained from Lamprey Road to the Buchanan residence. The status of the road from the Buchanan residence to Pine Road was unknown as stated by the road manager. Mr. DeFreitas described the current traffic conditions. Potential larger subdivisions were discussed in comparison to the current proposed subdivision. Glenn noted what the typical additional traffic would be with a new residence as well as stating it was a town-maintained road and that the proposed lots would have adequate frontage. There was discussion about different sized developments and their impact.

At 9:51pm, Mike made a motion to approve the 2-lot subdivision for Kevin Bilodeau of Seacoast Builders of parcel of 3 Dow Lane which is now Map 6 Lot 60 with the conditions listed in Glenn Greenwood's memo of July 20th, specifically:

- 1) Aquifer protection district to be on the map.
- 2) Put NHDES approval number on the plan.
- 3) Adequate monumentation as listed.
- 4) Additional iron pipes be set per regulations not to exceed 200 feet.
- 5) The plan requires Area of Closure note by the surveyor.
- 6) Certificate of Monumentation.
- 7) Chair is authorized to sign the plan when all conditions are met.

Robert seconded. All in favor.

9:55pm, Robert made a motion to close the public hearing. Mike seconded. All in favor.

Status Reports on prior conditions of approval

Conditions of approval for earlier applications were being followed and checked off as they are completed.

Subcommittee updates

Growth Management

Glenn will help with the Growth Management subcommittee and meeting times will be set. Josh and Justin offered their assistance.

At 9:57pm, Robert made a motion of a revised membership of the Growth Management Subcommittee of Josh, Justin and Robert.

Bob seconded. All in favor.

The Buildout Analysis contract with RPC will be signed at the next Board of Selectmen meeting. The RPC will then start work on the Buildout Analysis. Supporting information has been provided to Robert Pruyne of the RPC.

Application Process improvement

Glenn will assist Vanessa and Andy with the process. Application checklists will be edited, revised and streamlined.

At 10:07pm, Mike made a motion to accept the minutes of June 22nd as presented. Mary seconded. All in favor.

Mike made a motion to adjourn. Robert seconded. All in favor.

Respectfully submitted,

Andy Clarke
Planning Board Clerk