

KENSINGTON PLANNING BOARD MEETING
95 Amesbury Road, Kensington, NH 03833
TUESDAY DECEMBER 17, 2019 – 7:00pm
Meeting Minutes - Approved 01/21/2019

In attendance: Therese Wallaga, Member; Mike Schwotzer, Member; Robert Chase, Member; Mary Smith, Vice Chair; Christine Ouellette, Alternate Member; Vanessa Rozier, Selectman's Representative; Julie LaBranche, Rockingham Planning Commission

At 7:04pm, Mary called the meeting to order.

New Business:

1. Martell consult with PB on lot line
 - Karen Martell addressed the Planning Board explaining that the previous subdivision and lot line adjustment she had requested (the Planning Board approved) is problematic as the approximately 16x26ft pool house is placed within the required setback, likely on top of the lot line and the pool is within the setback of the new lots. Moving the pool house is not an option. She explained that the Building Inspector came to her property and provided her measurements. She has already been before the ZBA to request a variance to the setback requirement. The ZBA requested additional information from Ms. Martell and continued her case. She stated that the initial surveyor who completed the plans that were presented to the Planning Board when they initially approved the new lot, neglected to put the pool house and pool on the plans. There was brief discussion of the history of the two lots.
 - It was suggested that Ms. Martell ask for a waiver from Zoning Ordinance 3.3.B2, which states that the lot shall have a minimum width of 100 feet. If that waiver was granted, she could then request a lot line adjustment. Ms. Martell would need to provide an accurate survey to the Board. Ms. Martell asked the Board if they would be in favor of granting a waiver expressing concern for the cost of doing so, with the understanding that the Board cannot be held to their responses as this is a consultation and also not a full board. Mike stated that his opinion is that she has to do something to address the situation because she currently has a lot that is not legal. If the Board had known at the time of original subdivision, he doesn't believe the Board would've given approval. Ms. Martell acknowledged that she understood and said that she thought the pool house could be moved, but it cannot be moved without completely destroying it. The Board reviewed the plans and discussed the frontage. It was pointed out that the original lot was non-conforming and the new lot was an attempt to make it as conforming as possible. There was brief discussion on the possibility of Ms. Martell obtaining an easement.
 - The Board determined that it is the responsibility of the surveyor to ensure that the papers/plans presented to the Board are accurate. Julie explained that there were multiple errors and concerns of the accuracy of the original plan, this is another example of that. Robert expressed that he thinks it would be worthwhile to have the land resurveyed and suggested that the not final bill be paid until all the posts are set. Vanessa reminded Ms. Martell that the ZBA and Planning Board would not be able to act without an accurate survey. Julie suggested that Ms. Martell request a lot line adjustment and amendment, then ask for a continuance and have the land surveyed. It was also recommended that Ms. Martell bring photos, copies of the plan, and measurements because in order to ask for a waiver there needs to be accuracy to the objects/landmarks that are located in the general area. It was clarified that Ms. Martell would seek a waiver from the 100ft setback restriction, an amendment to the subdivision, and subsequently a lot line adjustment.
2. Discuss / generate a list of all non-conforming buildings / businesses in town
 - Mike requested that this issue be continued for at least two months.
3. Set two Public hearing dates in January with snow days
 - The State Building Code and Fire Code was updated. The town's Building Ordinance Section 8.1 needs to be updated to reflect the changes at the state level. Julie worked on this with the town Building Inspector.
 - Mike explained that at the ZBA meeting, the Building Inspector was there and had assisted an applicant with regards to setbacks. Because the value was below \$2,000.00 there was no building permit required, and as a result the homeowner placed the sheds within the setbacks, making them non-compliant. The Board

discussed possible ways to approach this issue so the Building Inspector could see a plot plan prior to the shed being installed/built. Vanessa recalled conversation at the last Planning Board meeting regarding the size of the structure (6x6 ft). A shed permit was briefly discussed as a possible option. The Board made verbiage changes to clarify "routine maintenance". Routine non-structural maintenance or replacement of existing components (ex. Fixtures, appliances, etc.) was suggested and the Board agreed that this makes it clearer. The Board discussed public hearing dates. **At 8:22pm, Robert made a motion that the following dates be set for public hearing on Building Ordinance changes: January 8th with a snow date of January 9th, with a regular meeting scheduled for January 21st, where a second public hearing could be held if necessary. All meetings to be held at 7pm. Mike seconded. All voted in favor.**

OTHER BUSINESS:

1. Water Testing
 - Vanessa reminded the Board of the previously discussed town-wide water testing day. She said that there was a recent sample from Unutil that showed PFAS at a relatively high level, which has prompted the town-wide water testing day to be moved up to January. Kathy will be posting a notification to the community that there was a non-confirmed case of PFAS in town. There will be informatory links to des information on the town website. Chief True will be involved and able to assist if needed.
2. Building Permit section of zoning possible updates to comply with new code regulations
 - Already discussed.

Meeting Minutes to approve-

- **At 8:27pm, Vanessa made a motion to approve the October 15, 2019 minutes as amended. Mike seconded. Therese abstained. All others voted in favor.**
- **At 8:29pm, Robert made a motion to approve the November 19, 2019 minutes as presented. Mike seconded. All voted in favor.**

Julie said that she provided the Board of Selectman an estimate for a Build Out Analysis. The Selectmen are working on drafting a warrant article.

At 8:35pm, Robert made a motion to adjourn. Therese seconded. All voted in favor.

Respectfully submitted,

Chelsea Lalime