

**KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
WEDNESDAY, May 18th, 2022 6:30 P.M.
At Kensington Town Hall 95 Amesbury Road, Kensington, NH
Meeting Minutes- Approved 6/15/2022**

In Attendance: Vanessa Rozier, Chair; Mary Smith, Vice Chair; Mike Schwotzer, Member; Bob Solomon, Selectmen's Representative; Marty Silvia, Member; Justin McLane, Member; Josh Preneta, Member; Glenn Greenwood, Planner.

At 6:32pm Mary called the meeting to order.

Mary read the public hearing for:

Linda Buxton Trust c/o Buxton Family Realty Trust with a physical location of 194 Drinkwater Road, Kensington, NH further identified as Map 12 Lot 39 has submitted a Subdivision Application for a 2-lot subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington and in compliance with Article II Definition of a non-buildable lot.

At 6:33pm Mike made a motion to open the public hearing for Linda Buxton c/o Buxton Family Realty Trust. Justin seconded. All voted in favor.

Linda Buxton described the parcel she would like to subdivide which is a .41 acre parcel of an approximately 4 acre parent lot on 194 Drinkwater Road that would be non-buildable. This would be for a private cemetery for the Buxton family. Mike read the new regulation for non-buildable lots. This allows the Planning Board to approve non-buildable lots, but does not require them to. Mary read through the subdivision checklist. Mary noted that the Board would need to see the whole lot on the plan with abutters names denoted on it as well as the full dimensions of the property. Justin stated he felt it would be necessary to survey the entire parcel. Ms. Buxton described her property.

Mike read from Glenn Greenwood's review about the survey of the lot and noted that there were two towns listed on the plan. Mary noted that because there is not a whole survey that some of the items on the checklist were not able to be checked. Mary described what would be necessary on the plan. Mike noted that there would need to be a certificate of monumentation. Mr. Milbury asked the Board's opinion on the application. The Board discussed the completeness of the plan. Bob Solomon described the reasons for having it surveyed. Mike explained that the applicant was asking for many waivers. Mike noted that while it may be a good idea, the Board would need to discuss. Mike noted that there were two well heads on the plan and asked about regulations regarding wells. Glenn described easements and remnant wells and explained that surveys require it. Mike noted the applicant was asking the Board to waive requirements for 2 acre lot size, frontage and soil as well as septic requirements. Glenn noted that the Board should come up with a protocol to follow for these non-buildable lots following the Zoning Ordinance change which would help determine how to deal with this as a process. Mary asked about how the property would be dealt with if the ordinance was repealed

due to the language stating it was in perpetuity. Glenn felt that there was an understanding of what could be waived, but felt that the Board should call out what they are waiving.

Mary asked if the irregular shape of the lot was a concern and noted that it would make the other lot irregular. Marty asked if this would be an ongoing cemetery to which the applicant replied it was an active cemetery. Mike asked the Board for a general consensus if the application was in the spirit of the new ordinance. Justin felt it was in the right spirit but felt it was trial and error. Marty believed in the spirit of the application but didn't know if it set precedence for plots in the future. Mike felt that it was a proper use and saw no other use for the property. Mary felt the same and Bob felt it was in the spirit but there are also non-conforming lots throughout the town and that this was in a sense creating a non-conforming lot rather than inheriting it. Glenn felt that this was the kind of situation that was envisioned. He noted state laws for burial grounds. Mike felt the plan needed the location of buildings and a full perimeter survey, well heads electrical easements but didn't feel there was a need for soil samples, test pits or contours. The Board required a boundary survey with major features addressed as well as abutters names, the zoning district, and existing utilities. Mary noted on the checklist what was necessary of which a copy was given to the applicant. Mr. Buxton noted the wellheads and an entrance to the property.

At 7:17pm Mike made a motion to continue the public hearing of Linda Buxton, Trustee of the Buxton Family Trust in regards to the subdivision on Frying Pan Lane until June 15th at 6:30pm having requested additional information for the subdivision. Marty seconded. All voted in favor.

At 7:18pm Mike made a motion to close the public hearing. Justin seconded. All in favor.

Mary read the hearing for:

Linda Zammer, Trustee of Three Hobbs Road Realty Trust with a physical location of 2 Hobbs Road, Kensington, NH further identified as Map 13 Lot 15 has submitted a Subdivision Application for a 2-lot subdivision in accordance with Article III Subdivision Regulations for the Town of Kensington and in compliance with Article II Definition of a non-buildable lot.

At 7:20pm Mike made a motion to open the public hearing for Three Hobbs Road Realty Trust. Marty seconded. All voted in favor.

Wayne Morrill of Jones and Beach Engineers described the subdivision application for the applicant which was for a non-buildable lot with a pond and wetlands on the corner of Hobbs Road and North Haverhill Road. He explained the Zammers' wish to have the proposed non-buildable lot stay within the trust. He stated that the lots would meet road frontage and size requirements. He also noted that he had provided a topographical and wetland map of the remaining lot, which is 14.375 acres and would become 12.4 acres. The plan also identifies utilities, brooks and abutters. Mr. Morrill felt the application met the intent of the article that was passed by the Board for non-buildable lots and noted that the Zammer family would like to retain the parcel as a recreation area. Mike asked why there was a jog in the lot line, to which Mr. Morrill replied that it was following the brook which the Zammers would like to retain as well as the footbridge. Glenn felt that the lot could be squared off, to which the applicant agreed. Mary asked if the brook continued into the other lot. Justin asked if there were any structures on the land, which applicant noted there were not. Mike noted a prior application that proposed a house on the land. The applicant noted there was not an intent to build for this application.

Mary asked if the lot would stay non-buildable. Glenn discussed what could be required of a non-buildable lot. Mary asked if the lot crossed the road, but Glenn noted that Wayne had described that the two lots were separate. Wayne explained that there would be a deed drafted that would making the parcels conveyed together, creating two deeds, one for the lot across the street and the non-buildable lot and one for the larger parcel of the subdivided land. The deed will say that there are two parcels. Mike felt that it would stay as recreational and owned by the property across the street. Parking would be at the house. The applicant noted that it is conveyed in one deed currently. The larger parcel would be separated out on a second deed. Glenn described lot shape. Justin asked if the newly proposed property line would parallel the north south property line to make it more rectangular.

Mary read through the checklist. The Board noted that the zoning district is missing and needs to be on the plan and that there needs to be a certificate of monumentation.

At 7:47pm Mike made a motion to accept the application as complete for 3 Hobbs Road Realty Trust. Josh seconded. All voted in favor.

Mike felt that the lot lines should be redrawn for the new lot shape. Mike requested proof that the lots are on one deed and if and when granted the two deeds conveyed the proper parcels. Wayne stated will put the intent of the plan portion of newly created non-buildable lot in perpetuity of trust or future owners on the plan and that there will be two deeds. Josh asked if Glenn had seen lots bisected by roads. Glenn described possible issues.

At 7:54pm Mike made a motion to continue the public hearing for 3 Hobbs Road Realty Trust to June 15th at 6:30pm. Josh seconded. Vanessa abstained. Josh, Bob, Justin, Marty, Mike and Mary voted in favor. The motion passes.

At 7:55pm Mike made a motion to close the public hearing for 3 Hobbs Road Realty Trust. Josh seconded. All voted in favor.

The Board discussed an updated application and checklists for the Planning Board that was hoped could simplify the process of applying for an applicant. The Board discussed escrow accounts on the Rules and Procedures document. There was discussion about materials and their due dates. Justin asked about deadlines and what should be accommodated. Vanessa felt that 14 days should be the cutoff for new materials, and there was Board agreement. Time allotment for presentation was discussed and the Rules and Procedures document was modified accordingly.

The Board discussed the ADU checklist. Proof of adequate septic was discussed. Glenn read the regulation. Glenn stated the state law preempts the Town regulations, but he stated you could make an applicant design for it. Justin felt that there was a requirement for both sets of deliverables. The Board will revisit section 3.2.3.4.g for the ADU. Currently, state statute states there needs to be a design but that a new system does not need to be installed. Vanessa asked Glenn to update language necessary for part section 3.2.3.4.g of the ADU application and ordinance for future amendments. Mary noted that the ADU had additional requirements. Glenn stated that if the plans don't reference an ADU it wouldn't be an adequate state design. State approval was discussed regarding properties.

Mike read aloud the amended meeting dates and times in accordance with Article II, 2.1.g, Rules and Procedures and moved to amend Article II 2.1.c.1 Meetings by deleting first sentence and changing

dates and times to read “regular meetings should be held at the town office meeting 6:30pm on the third Wednesday of the month.”

The Board discussed Master Planning. Justin described past surveys that were distributed to the town. He and Marty have researched other town surveys and noted North Hampton as having a good simplified survey. Justin stated that this report was clear and one takeaway from the Kensington 2011 survey was language of concerns and he felt that the language should be aimed at improvement. Justin noted needing some input from others about transportation. Marty spoke of the census as a possible useful tool for the survey. Sharing with other boards and committees was discussed. Mary noted sending sample survey to different boards. Mary asked about response rates. Steps to take for circulation was discussed.

Vanessa and Mary will meet with Glenn on Subdivision Regulation updates and edits.

The application of 7 Bartlett Road was discussed regarding septic requirements for an ADU. Glenn explained the requirement is that there is a plan in place. Glenn felt the conditions of approval have been met. Glenn will prepare a letter to the Concannons with an explanation from the Board.

Vanessa noted there may be an infringement on the wetland buffer on a prior application. Vanessa has asked Conservation Commission for information and they are working with the Building Inspector and the applicant to address the situation.

Mary noted a change in the April 20th minutes to change the meeting end time to 9:30pm and to change the name Mary to Glenn for reaching out to DES.

At 9:21pm Mike made a motion to accept the minutes as amended. Josh seconded. All voted in favor.

At 9:21pm Mike made a motion adjourn. Mary seconded. All voted in favor.

Respectfully submitted,

Andy Clarke