

KENSINGTON PLANNING BOARD MEETING
95 Amesbury Road, Kensington, NH 03833
TUESDAY JANUARY 21, 2020 – 7:00pm
Meeting Minutes - Approved 4/23/2020

In attendance: Peter Merrill, Chair; Therese Wallaga, Member; Mike Schwotzer, Member; Robert Chase, Member; Jim Thompson, Member; Christine Ouellette, Alternate Member; Vanessa Rozier, Selectman's Representative; Julie LaBranche, Rockingham Planning Commission

At 7:03pm, Peter called the meeting to order.

At 7:05pm, Mike made a motion to allow Christine to participate as a full member as there is a vacancy for tonight's meeting only. Jim seconded. All voted in favor.

NEW BUSINESS:

At 7:05pm, Peter opened the public hearing:

1. Public Hearing- Buxton Subdivision -Buxton Family Realty Trust, Map 12 Lot 45A, located on Drinkwater and Osgood Roads in Kensington, NH. The intent of this application is to subdivide the 7.85 acre parcel located on Drinkwater and Osgood Roads in Kensington, NH, into 3 Lots. Pursuant to RSA 674:35.

Peter Landry, of Landry Surveying, LLC. addressed the Board summarizing the request and application on behalf of the applicants. Mr. Landry explained the plan as the Board reviewed it. Each proposed lot has a driveway reserve area, but the applicants are still waiting on feedback from the Department Heads.

Julie asked if the parcel currently has a physical address; it was determined that there is no current physical address.

Mr. Landry explained the required high-intensity soil study that was used to help create the proposed lots. It was explained that there have been changes over the years to regulations that have altered the methods used to determine the lot lines. There was discussion regarding the location of proposed lot lines and setbacks taking into consideration the soil types present.

The Board went through the Subdivision Plan Format Checklist.

Julie asked about a confirmation of the test pits. Mr. Landry said that he does not get those receipts/letters, but the town should have them. The Certification of Compliance of State and Town Septic System Regulations is still pending, as it is complete, but has not yet been submitted to the state. The Town Engineer, Road Agent, and Police Chief had not provided input prior to the meeting.

The Board reviewed a letter dated 01/21/2020 from Chief Jon True. Chief True wrote that there are new site plan regulations relative to fire protection that will need to be taken into consideration. There is currently only 1 cistern in the vicinity, however that would not be sufficient to support the proposed subdivision. Chief True offered several options for the applicant to consider to meet the new regulations. There was a discussion on who would be responsible for installing a cistern and then who would be responsible for maintaining.

There was discussion on the proposed new driveways. The zoning ordinance requires 400ft of sightline for new driveways. The non-standard intersection of Drinkwater Rd, Wild Pasture, and Osgood Rd was brought up as an additional concern related to the driveways.

Julie stated that there have been issues in the past with recent subdivisions regarding excavation and alternation of drainage patterns on lots. She suggested that there be conditions put in place to ensure the topography remains the same and an Erosion and Sediment Control/Stormwater Management Plan put into place. There was discussion on whether or not this should be addressed globally or done on a lot by lot basis.

The Board discussed the drainage concerns that have occurred on Moulton Ridge Rd and highlighted the importance of a drainage plan.

Julie noted that proposed Lot 2 appears to become less than 100ft in width at the back of the lot. There was discussion that lot shape zoning requires that a lot shall be no less than 100ft wide. It was suggested that the applicant apply for a waiver request to address this matter.

It was noted that there is a significant amount of wetland on the proposed lots and as a result, many setbacks. Julie suggested that it would be beneficial to potential new lot owners/developers if the wetlands and setbacks were delineated on the property. Vanessa agreed, but pointed out that there could be a substantial amount of time between the approval of a subdivision and construction starting. During that time, the markers or pins delineating the wetlands and setbacks could be moved. Mr. Landry expressed his concern with this suggestion, stating that while the flags likely need to be freshened up, requiring a more permanent delineation as a condition of approval would be unfair and a burden to the applicant. Mr. Landry noted that an individual may wish to hire their own wetland expert, who may have a different opinion on the boundaries, thus making the hypothetical delineation irrelevant. Julie stated that at minimum, the main building envelope should be delineated. Mr. Landry responded that the plan is to lay out the lot lines and the setbacks; he feels it would be excessive to require that the wetlands are staked out. Mr. Landry feels that delineating wetlands and building setbacks should be the burden of the developer rather than the current owners trying to subdivide. Julie stated that she stands by her recommendation.

At 8:18pm, Jim made a motion to accept the application as substantially complete, though there are still waivers that are needed, as well as input from the Department Heads. Mike seconded. All voted in favor.

Alex Raslavicus of 80 Wild Pasture Rd, an abutter, explained to the Board that he fell in love with Kensington years ago because of its beauty and charm. He feels that the location of the proposed new subdivision is a challenging location from a traffic standpoint. In addition, Mr. Raslavicus feels that Tannery Way changed the topography which has resulted in wind damage to his property. Mr. Raslavicus expressed concerns with the high-water table and poor drainage of soils. He noted that many trees along his property have been lost due to the water table rising and road improvements on Wild Pasture Rd. He stated that there is a sugar house and carriage house on his property that water table is within inches of in the spring. Mr. Raslavicus expressed his concerns regarding conditions of the existing culverts and drainage on his property. He states that they are undersized and frequently clogged. Mr. Raslavicus said that he has approached the town to have these culvert issues addressed, but has been told there is no schedule for improvements or remedies. It was explained that the culvert on Osgood Rd takes all the water from the property where the subdivision is proposed. He is concerned that this subdivision would reduce his ability to enjoy his property, in addition to reducing his ability to subdivide his own property in the future. It was also noted that the test pits that were done for the proposed subdivision were completed in 2014, which was prior to the Tannery Way development.

Robert Henley of 5 Tannery Way, an abutter, addressed the Board raising concerns regarding the driveway of proposed Lot 1 and changes to soil erosion over time as a result of the changes in wetlands that will occur over time.

Robert Scott of 3 Tannery Way, an abutter, asked if there are any statutes in place regarding trees and foliage. Mr. Scott noted that when Tannery Way was built there were no existing trees, and he wondered if the presence of trees could help with wind and drainage.

There was discussion on tree clearing regulations for new development. It was noted by the Board that this is something to consider going forward, but has not come up in the last two subdivisions because one was a field and the other was a gravel pit. There are Tree Clearing Regulations for New Development in Section M of the Zoning.

Alex Raslavicus of 80 Wild Pasture Rd, an abutter, asked the Board to recognize the water content situation he mentioned earlier and suggested that it be addressed as a condition of approval. Mr. Raslavicus wanted to ensure that his property currently and any future uses, including subdivision of his own property, would not be jeopardized. There was additional discussion of test pits. Mr. Raslavicus also requested that Dave Buxton, Road Agent, recuse himself due to family ties and previous dealings based on road situations; he feels it is a conflict of interest. Peter Merrill explained that a person cannot be forced to recuse, recusal is a choice.

Robert acknowledged Mr. Raslavicus' comments regarding the age of the test pit data for the proposed subdivision and asked if the Town Engineer could weigh in on this. Mr. Landry stated that he does not think that the Tannery Way subdivision would affect the test pits but suggested the town consult with Mike Cuomo from Rockingham County Conservation District as he witnesses the test pits.

The Board reviewed a summary of outstanding issues that will need to be addressed:

- Copy of 2014 Test Pit Report from Mike Cuomo
- Fire Chief Review
- Town Engineer and Road Agent Review – Driveway Permit
- Environmental impact study
- Waiver for less than 100ft Lot Size (proposed Lot 2)
- Driveway Permit
- NHDES Subsurface Bureau Subdivision approval
- NHWS & PCC Major Alteration Permit
- Performance and maintenance security
- Town Engineer Review of Proposal
- Miscellaneous Engineering Studies

The Board felt that there is input that is needed from experts who are not present. **At 8:57pm, Jim made a motion to continue the Public Hearing. Therese seconded. All voted in favor.** The Board will act on waiver requests at the next meeting.

OTHER BUSINESS:

1. Discuss / generate a list of all non-conforming buildings / businesses in town
 - Mike is still working on this. He asked the Board for several months to continue on this prior to presenting to the Board.

The Board reviewed minutes from the December 17, 2019 and January 8, 2020 meetings. There were several suggested editorial changes to the December minutes. **At 9:04pm, Mike made a motion to accept the minutes from December 17, 2019 with several minor editorial changes. Robert seconded. Jim and Peter abstained. All others voted in favor.**

There was a suggested editorial change to the January minutes. **At 9:07pm, Jim made a motion to approve the minutes from January 8, 2020 as corrected. Therese seconded. Vanessa abstained. All other voted in favor.**

The next meeting will be February 18, 2020. March 4, 2020 will be a snow date.

At 9:13pm, Mike made a motion to adjourn. Jim seconded. All voted in favor.

Respectfully submitted,

Chelsea Lalime