

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, APRIL 15, 2014  
7:30 PM  
Meeting Minutes  
APPROVED-May 20, 2014**

**In Attendance:** Bob Solomon, Scott Lowell, Selectmen's Representative; Jim Thompson; Kate Mignone; Glenn Ritter, Joan Whitney, Vice Chairman; Peter Merrill, Chairman; Dylan Smith, RPC Representative.

**Attendance of public:** Bruce Cilley; David Buxton; Carlene and Arthur Wiggin; Sydnee Goddard, CC; Donna Carter; Charles Mabardy

**Public Hearings**

Peter called the meeting to order at 7:33pm.

He began by indicating that the first item on the agenda would be the KLCT Holdings LLC Site Plan Review.

**KLCT Holdings LLC: Bruce Cilley Representative**

*The Kensington Planning Board will hold a Public Hearing on Tuesday, April 15, 2014 at 7:30 p.m. at the Kensington Elementary School Library to review and act upon a Site Plan Review application for KLCT Holdings LLC. The parcel is located at 244 Amesbury Road, Map 3 Lot 26, in accordance with Chapter II, Article 9. The intent is for KLCT Holdings LLC to operate a Kitchen out of their Commercial District property.*

Mr. Cilley approached the board and indicated that he was looking to obtain a building permit for an addition to the existing barn on Map 3 Lot 26 for a commercial kitchen, for agricultural use. He informed the board that the intent of the kitchen is to process the vegetables that may have blemishes, and the vegetables have to be processed in a licensed kitchen to be able to sell the products produced. This processing will give the vegetables a longer usefulness, and less waste. He had attended the March 3, 2014 Selectmen's meeting and was instructed to go through the site plan review process with the planning board. Mr. Cilley got the reviews from the engineer for the town and the RPC representative a day or two before the meeting and he didn't think that was enough time to be able to respond to all of the questions that they had about the plan.

The first question addressed the original leach field on the property. Mr. Cilley indicated that they had removed an old septic tank and dry well at the same time the house was demolished; he did obtain permits to remove the original leach fields, and to demolish the home. The board would like Mr. Cilley to note that they were removed on the plan and reference the permit number as well. Mr. Cilley indicated that all of Mr. Smith's issues requested notes, and he would like to know where to add them to the plan. Dylan recommended putting the notes in the notes section already on the plan.

The second issue addressed the floors of the greenhouses. Mr. Cilley explained to the board that the floors are not finished; they are dirt floors to be planted in. Peter and Dylan expressed that he should contact Christian Smith directly. The board would like the response from Mr. Smith, saying that the questions have been answered. Mr. Cilley indicated that Mr. Smith had been to the property the Friday before to walk and review it. He then wanted to know why Mr. Smith was asked to comment, but then was not at the meeting to clarify his questions. Mr. Cilley expressed if he had the responses earlier he would have had time to contact Mr. Smith and have him clarify any questions that he had. Dylan indicated that in these processes the board does not have to make a decision the night of the presentation and it usually takes a few meetings. Mr. Cilley asked if even if it is agricultural use, does he still need to do this process? Dylan expressed that is what the board would decide tonight. The Board He was not acting on an agricultural use ~~he~~ but was acting on a review for a Site Plan Review for a Commercial Kitchen. Mr. Cilley expressed that a

commercial kitchen is what he has to build. Dylan was wondering how to relate it back to the regulation, and what it is.

Is this considered an agricultural use per the RSA's. Dylan was reviewing it as a commercial kitchen, and he was not sure if there was going to be a restaurant in the existing barn, he has to review based on the plan presented. Mr. Cilley indicated that there is no classification for an agricultural kitchen; it is considered a commercial kitchen by state standards.

Peter explained that kitchen is within the commercial zone, so whether this is an agricultural use within that zone there are still criteria within the commercial zone that it needs to fit into. Peter brought up that even though it is may be considered an agricultural use it would still need to have the commercial setbacks for the zone that it is in. Mr. Cilley has followed these setbacks for Map 3 Lot 26.

Mr. Smith suggested that the relocated width of the driveway be notated on the plan. Mr. Cilley is just asking to shift the driveway over 5 feet because of where the septic tank and the grease trap are going. Kate indicated that it seemed that he was just looking for a detail of what it is. It is a 30ft section that they are adjusting 5 feet. He will clarify with Mr. Smith.

Fire suppression for the proposed kitchen was discussed. Will automated fire suppression be installed over the grease hoods, and Mr. Cilley indicated that yes, per the state requirements they would be, but he needs the building permit before he can get the state license. This will also be on a critical load for a generator. Luminary specifications of the cones of illumination were the next suggestion. Mr. Cilley indicated that the lights that they were planning to install have a 10 foot cone. He was also planning to install 2 lights like they have on the building across the street on each side of the barn doors and one above the back door that would shoot down. Peter asked if that typically has an elevation that shows the cones. Mr. Cilley showed him the lights he was planning on installing. Dylan indicated that he is calling out the required data that is required per the towns site plan review. Where it would be on the plan, and have a depiction on the next page on what the lighting looks like. It looks like it is down shielded from the specifications sheet the board was presented. Some boards ask for the foot candles, that you would use a measurement system, so that it doesn't impact abutters or oncoming traffic.

Mr. Smith asked about the Maples and that they should be retained. Mr. Cilley indicated he has no idea if the maples will come down, and if it is listed as retained it means he needs to keep it there. Peter thinks that if it is his intent to keep them there, all he would have to do is indicate that it is the intent to keep them. Mr. Cilley just wants to clarify that if they fall down in a storm or if the roots are damaged he won't have to replace it with another 30in Maple tree, or at all. Peter expressed that if the original 30inch tree that is there dies, no one would require him to add another one that is 30 inches. Mr. Cilley just reiterated that the word retained means to maintain or save and he wanted that clarified. Dylan indicated that usually with a site plan review they have landscaping plans as well and the board would look at what existing features would hopefully be retained on the site. He thinks that is what Mr. Smith was referring to is for them to show a landscaping plan.

The proposed handicap stall should be 13' in width to comply with ADA Van Accessible requirements. Mr. Cilley will have it listed that way, because it is not listed like that on the plan, but if you scaled it out it would comply.

Construction sequencing should reference required construction inspections per Article 4.20. Joan indicated that before you dig things up and change everything they want to see the silt fence installed. You need to say that you will be doing this first. Mr. Buxton expressed that the construction sequencing would be something created by the engineer, not the planning board. Peter explained that the board put together a guidelines sheet to see if everything was included on the plan. Prior to the building permit you would have a pre-construction meeting with the Town Engineer and the Building Inspector. Erosion control measures and how it will all be laid out, and in what sort of manner. Mr. Buxton indicated that you have to allow a place for the water to go before you worry about the building.

Mr. Cilley will have his engineer contact Mr. Smith and discuss the Drainage Analysis.

Dylan's comments were gone through next. Dylan explained to all that he was looking at the plan as a commercial kitchen, not knowing if it was to be a restaurant or something like that.

What are the uses permitted in the commercial district, and can you link this use to any of them.

Commercial food preparation use, is it agricultural, it is not for him to determine. It would be up to the attorneys, it is one of those things that you need to link to one of the permitted uses in the town.

Mr. Cilley showed the floor plan that he submitted to the Building Inspector. He would use the existing addition to the barn for storage of the plow and the truck that is outside now, tools, farming equipment,

would be stored in the original addition half. The existing barn would have a storage area for small kitchen appliances, the smaller appliances that you could carry into a kitchen. They have two bathrooms listed there one for men and one for women, and dry storage for dry goods. Dylan asked if it was going to be a restaurant, and Mr. Cilley explained that it would not. The plan was for the KLCT to prolong the useful life of the vegetables. Dylan agrees that it is a good spot and good idea for the area. Mr. Cilley explained that they would let other farmers come and rent the kitchen by the hour to do the same thing. Joan asked if there would be any storage area for the vegetables in the barn area, and then into the kitchen. Joan was looking at the turning radius for big trucks and Mr. Cilley said there would be no delivery trucks; it would be more like a pick-up truck that would come and rent it by the hour. All users to the kitchen would come in through the front, and that would also be the handicap entrance. The back would have a freezer to store things until the farmers could come back and pick it up. Peter asked if the barn would be strictly for storage, and Mr. Cilley indicated that it might have an office for the green house manager. If they had a kitchen manager they might have an office on the second floor and the third floor is just an open loft. Dylan recommended that they put a note as to what the existing barn is going to be used for. Kate asked about the back door proposed delivery area, and Mr. Cilley will have that removed.

Dylan asked what the ST and GT were for. He couldn't find a legend that explained them. Mr. Cilley explained that that is where the Septic Tank and the Grease Trap will be; they are on the end of the building so they would probably build a set of steps over those areas, just to protect them.

Dylan wanted to make sure that the town engineer, Mr. Cilley's engineer and the state review it to make sure it meets all the state standards, as well as the aquifer protection. Mr. Cilley indicated that he has already received approval from the state for the septic system. Peter just added that they should be aware of the added aquifer protection language that was voted in. Dylan indicated that the state inspector might not know about the aquifer protection that the town passed. Kate thinks that the town engineer is the person that should be reviewing that. Dylan thinks that it is a small enough system that it shouldn't be a problem, but to verify with the town engineer.

The dumpster is located within the 60 foot setbacks requirements. Peter indicated that the dumpster is not a structure because it can be moved, but since there is a concrete pad and fencing that is what would be in violation of the setback requirements. The board indicated that it should be moved, and that the fence and the shrubs should be notated on the plan.

Dylan asked if there is going to be a sign, and Mr. Cilley indicated that if he did it would go on the post that is out at the end of the driveway, and he is aware of the Sign permit process.

Dylan brought up the front parking lot, and that it is within the setbacks. He is aware that the driveway is allowed within the setbacks, but he wanted to clarify the parking, and is that allowed in the setbacks. If you were to look at the definitions and determine what is allowed in the setbacks, would this qualify? Joan indicated that he should go before the Zoning Board of Adjustment and get a variance for being within the setback requirements. Dylan suggested putting it somewhere else on the site. Mr. Cilley expressed that when they did the septic design they designed it on 10 people at any one time being in the building, and there is a formula to use and you need to calculate the number of parking spaces based on what the septic is designed for, that is how they came up with 10 spaces. Dylan is not sure that he needs to show that many. He explained that it is usually based on square footage, and do you need those spots. Kate asked if the handicap access would be the reason for the handicap space being in the front. Mr. Cilley explained that there is not another handicap entrance so he would have to keep the parking for handicap accessible in the front of the building. Mr. Cilley asked the board what they would require for the parking. Peter asked if the spots were intended for customer use. The board wants Mr. Cilley to go before the Zoning Board of Adjustment for a variance to the parking spaces in the front of the building being within the current setback for the district.

Kate asked about the snow storage area and if it would melt into 150, and Mr. Cilley indicated that the grades won't allow it to do that. Mr. Cilley expressed that there is a swale at the edge of the road that catches the run off. Dylan and Kate indicated that the swale should be shown on the plan. The proposed area is where they have plowed the snow to all winter and they didn't have a problem so kept it there on the plan and they don't expect to salt, as it is intended to be a gravel driveway.

Adequate buffering between residential and non-residential lands. Dylan was unsure if there was a landscaping plan, usually the site plan reviews [regulations require](#) have them. Is there a house to the north of the site? There are pictures from a previous application showing adequate buffering. The use itself with the lighting it shouldn't be too intrusive, but the car lights might shine into the property next door. The

board noted that the front of the fence to the north of the site Map 3 Lot 27 has a split rail fence that transitions to a stockade fence. There is a whole buffer of trees and shrubs and Mr. Cilley met with the neighbor Mr. Reidy (M3L27) and he was happy with the fence going up.

Peter asked if there were hours for use that Mr. Cilley would be proposing for this site. Joan asked if it gets rented would he always have someone on site and Mr. Cilley responded that they would, because of the food licensing requirements and standards they would have to have someone there to make sure they were observed. Peter expressed that the hours of operation should be noted on the plan. Mr. Cilley asked if there were restrictions on the hours of operation, and the board responded that they did look at some for the Tree Cutting Business down the street from him. Mr. Buxton expressed that the town has a noise ordinance that needs to be followed. Mr. Cilley wanted clarification about the hour limitations, would it be for the kitchen or the green houses or both. It is just to ensure that there are not things going on at 3am. Peter did express that the board understands that agriculture knows no schedule, but there are abutters.

Dylan did notice that storm water should not impact or be discharged to abutting properties, and if you look at the arrows that is where the water is going. Mr. Cilley indicated that the water goes there now and he didn't want to change the current flow. According to Mr. Cilley, Mr. Reidy is actually happy about the current drainage because his driveway used to freeze over each winter, and he had no problems this past year.

Aquifer Protection Ordinance; means that the applicant will need to follow the standards within that ordinance. Dylan read the section of the ordinance that listed out the 5 standards that refer to the aquifer protection ordinance. The new section is not in the new zoning book or the old one it was an insert added to the books. Article 12.3.6 is the section in the zoning book. The question within the Aquifer Protection District were handed out to all the board members and Mr. Cilley. Peter instructed Mr. Cilley to answer questions 1-4, and then he would request a waiver of #5 from the planning board. This paper is for the findings and fact of why the board should grant conditions in the aquifer.

Lot coverage percent of impervious surface on lot M3 L26. Peter explained that the additional impervious would include the 2 greenhouses and the kitchen area, because the driveway is gravel. Dylan expressed that it is a percentage and the town engineer would be able to help him with that. It is strictly for the proposed impervious not what was already removed.

Mr. Cilley asked if the question was answered as to what they are operating as or what the town views them operating it as. Peter explained that the planning board is reviewing this as a site plan in a commercial zone. If the property was to be sold they could say they want to act as commercial not agricultural and so they need to make sure that this fits within that district's boundaries. Mr. Cilley read from the RSA for farming that food preparation is allowed. Joan indicated that there are a lot of people that might use this because they are unable to in their own homes.

Peter opened the hearing to public comment at 8:34pm.

Mr. Charles Mabardy, 285 South Road M3 L21-1, an abutter approached the board and showed them a google map of his property and the abutting KLCT Holdings property. Mr. Mabardy stated that his property was once a gravel pit and showed the board where his home was situated in relation to the applicants and the four homes he owns in the area. He has a pond on his property and wants to be able to preserve it the best that he can. He indicated that he has been on previous boards in other communities and just wants to protect his property and the welfare of the community. He believes that the current proposal is detrimental to his property. The process of the site plan review is to process and protect the health and safety of the community, and the drainage is his biggest issue. The swale currently is graded towards his pond and the run off goes into his pond. If that was there before, there was no site plan process. He doesn't want the run off on his property. He would like to see Best Management Practices used throughout the property.

Fertilizers, Pesticides and chemicals are another concern that weren't used before, are they using them. He indicated that Mr. Cilley has done a great job cleaning the place up, but he would like the issues addressed somehow. His concerns about the eco system present on his property were voiced.

Snow storage area is another issue because when the piles melt they will go right into his pond.

The dumpster being moved is better where the board suggested moving it, and he is fine with that.

Lighting is a big issue, and he would like to see a grid. The current lighting is showing everywhere in his house and reflects off his pond and they were on until 9:30-10:00pm just this week. He then presented pictures to the board to show them the lighting. He is asking for a buffer to be inserted between the properties. Mr. Mabardy indicated the greenhouses on the plan and that they were approved at a

Selectmen's meeting, he asked why the buildings were allowed to be built by the selectmen without a process like this. Mr. Mabardy indicated that he had met with Mr. Cilley before the meeting and trees that would be offset to hide the greenhouses were discussed, they measured the greenhouses across the street, he was told it would be taken care of and it never got done. He indicated the fence on the north side of the property where a fence had been installed and there has been nothing done for him. The trucks going in and out and the headlights shining in his house, and his tenants are complaining to him about the lighting. He would like a good buffer so that he does not see what is there. He is fine with whatever goes there and does not want the value of his property to go down.

He would like to see a lighting grid. No proposed lighting located on the plan. When he has attended other planning board meetings there is usually 4 or 5 plans to indicate what will be done on the property.

He has questions on the commercial kitchen, what will be done there. They have addressed some of the things, but he would like to know what the hours are going to be and when the dumpsters will be emptied. Mr. Mabardy expressed that it is 40 feet from the pond to the top of Mr. Cilley's property. He doesn't want the lighting to intrude on his property. He passed out a copy of the minutes from the Selectmen's meeting held on November 18, 2013, as well as emails between himself and Mr. Cilley regarding the improvements that he was going to do for him. Mr. Mabardy stated that he has seen bond or a letter of credit go out for these sort of projects so that town protects the abutters and does the work. He presented a picture of the greenhouses lit up and also showed the board pictures on his iPad. Peter asked the approximate distance from the greenhouses to his residence. Mr. Mabardy indicated 500-600 feet. Peter asked if it might be more than that, because according to the scale and map it looks like more. Mr. Mabardy explained that the google map that he printed is not to scale and the site plan is. The pond is 500 feet across by 600-700 long. Peter was not comparing the scale; he was trying to find out the distance. Mr. Mabardy indicated that Mr. Cilley had agreed to put a berm in front of the greenhouses, between his property and the greenhouses. If you had a berm and then fences on both sides and then trees to offset, the prices came back at \$42,000. He said he would work with Mr. Cilley, even arborvitaes would work, something that would go 20 feet high. He wants something there to go the whole distance of the lot. Peter asked what the capacity of the pond is and Mr. Mabardy responded that it is 80 million gallons.

Peter asked Mr. Cilley if he wanted to respond to any of the comments. He agreed that he met with Mr. Mabardy about possibly putting in the berm and trees. He told him that he had gotten the price on the trees alone and it was \$41,800 and he needed to send it to his boss for approval. Mr. Cilley indicated that he has not been required to date to put up screenage by the town and he did pull a permit for a stockade fence to go across that section. He believes by the town requirements it is 3ft tall 50ft strip of evergreens. He has no problem putting up evergreen trees, but as of this point he has not been required to do so by the town. Mr. Cilley explained that in the winter you can see through the trees because there are no leaves on the trees, there is mature tree growth, and there is an old driveway to get into the gravel pit. Mr. Mabardy agreed that there is a path. Mr. Cilley indicated that there is also an open well on Mr. Mabardy's property that is notated on the plan. There is a berm that is on the edge already that is 2 feet high and if he did plant 3 foot evergreens they would only be 1 foot above the existing berm. Jim asked why the greenhouses are lit at night, are they growing flowers that require extra light? Bruce indicated that they have only been on maybe 3 times. Jim asked if he could shade the back of the greenhouses with black cloth. Mr. Mabardy has a problem with that because it will still reflect off of the outside of the greenhouse during the day because of the plastic. Mr. Mabardy just wants done what was offered, nothing more. There was conversation between the applicant and the abutter. Dylan read the site plan review information.

Chapter IV Article 7B states:

Appropriate **buffers** are to be maintained between use and residential zone and must contain vegetation which will screen non-residential site.

1. Buffer strips must be maintained between use and residential zone must contain vegetation which will screen non-residential uses from sight from residential area during winter months.

2. A **landscaping plan** must be submitted showing locations and types of vegetation to be retained or established.

Dylan expressed that the board needs to think on this and either act on it or waive it. Joan asked if Mr. Mabardy has gone back to the Selectmen on this issue, Mr. Mabardy explained has not he has been trying to settle it between attorneys, he had originally tried to settle it between just the two of them, unfortunately Mr. Cilley can't make all of the decisions. Mr. Cilley explained that he got prices on 10-12foot spruce trees.

That was an uninstalled price. Mr. Cilley explained to the board that they should also consider the significant elevation change from his property to Mr. Mabardy's house. That will affect the height, as far as what you are seeing. He asked Mr. Mabardy what the drop off is and he indicated 35-40 feet. Kate asked if there was a way that Mr. Cilley's engineer could possibly extend the swale so that the smooth storage is contained on the site so that you are not draining on someone else's property. Glenn indicated that the berm will prevent anything from draining on the abutter's property. The berm that is currently on the north side of the property is 2 feet higher than the one behind the greenhouses. Mr. Cilley pointed out the elevations to the board. Kate indicated that it is now draining to the north, according to the plan. Peter explained that the way the plan is now, the swale just ends. Mr. Cilley asked if they would want it wrapped around behind the greenhouses, and Peter asked if that could be done. Peter if there is already a berm there then water doesn't flow up, that might be an essential component. Peter asked what kinds of pesticides are used. Mr. Cilley responded that they don't use pesticides. Mr. Mabardy commented that Mr. Cilley owns it now, but he might not in the future and they need to protect the surrounding properties. Peter instructed that if there is a problem going forward Mr. Mabardy would need to contact the Selectmen, who are the current code enforcement officers for the town. Part of KLCT's design is trying to get away from pesticides. Mr. Cilley is willing to work with Mr. Mabardy and put up a stockade fence if that is what the town requires. Peter expressed that the use of no chemicals be put noted on the plan, and that the two individual parties should try to work together to find a solution that works for both of them. Mr. Mabardy is just worried that if someone else ever owns the property that there will be issues. Peter reminded Mr. Mabardy that the property is over the current aquifer and is protected by the Aquifer Protection Ordinance. Bob suggested that the lighting problem could be solved with the hours of operation or limiting the hours that the greenhouses are lighted. Dylan indicated that it does say that outdoor lighting should not glare on abutting properties or highways. Peter also commented that ambient light is not what they are talking about. Joan asked if Mr. Mabardy thought that the 10ft stockade fence would be adequate and he responded that they measured the greenhouses and they are 12 feet to the top of the peak. Peter asked what the elevations of Mr. Mabardy's home are, maybe 30ft. The light is going up, it just happens to be ambient. It is up to them to work out a reasonable buffer. Dylan asked the board if there was a personal residence that wanted to put up a greenhouse how would that be handled, some sort of buffering should be shown. Peter offered his assistance to look at the issues before the next meeting, as an uninterested third party.

Peter closed the public hearing at 9:13 pm.

**Bob made a motion of continuance of the application until the next meeting on May 20, 2014. Kate seconded, with all in favor.**

The applicant will go before the ZBA for a Variance on the parking spaces.

The board took a brief recess.

Peter called the meeting back to order at 9:20 pm.

#### **New Business:**

Underwood subdivision update-did not appear, will be attending May 20, 2014 meeting.

#### **Natural Resources Inventory- (NRI) - Sydnee Goddard presenting**

Sydnee Goddard presented the board with the NRI that the Conservation Commission worked on with Rockingham Planning Commission, specifically Theresa Walker. The town had voted to pay RPC to do the NRI and they went over budget helping the town, but didn't charge. The CC did this with the intent of it someday it being voted to be part of the Master Plan. "The purpose of the NRI is to map and describe the significant natural resources in Kensington". They have descriptions and maps included in the NRI. They used data created by the State. Sydnee went through the entire NRI and expressed the highlights of the book and what some of the chapters include. This inventory will be part of the Conservation Commissions link on the website if you would like to view it. There will also be a copy kept at the Town Offices for viewing. They board reviewed all of the different kinds of maps that had been created for this project and will be using some of them with applications in the future. The Conservation Commission will be voting to accept the NRI at their next meeting. The planning board will be discussing it further and taking steps to have it added to the Town's Master Plan. Each chapter does have a conclusion as to

recommendations and thoughts of the Conservation Commission. They also listed out the Conservation Lands and a fact page to inform the town's people of the different kinds of conservation easements. The board thanked Sydnee for presenting this project.

**Driveway sight distance for residential lots-** discuss distances with David Buxton

Mr. Buxton expressed that the site difference is the Police Department issue. The first thing that they will do is the height of 4 feet; he used Hudson Heights as an example. Peter asked why that was a police department jurisdiction over a state road. He asked if the town police department supersedes what the state dot indicates and Mr. Buxton believed so. A previous chief of police took on the responsibility of what was acceptable and what wasn't. Peter is this something that the selectmen or police department is mandated. Bob expressed that it was not stated anywhere in the regulations. Mr. Buxton indicated that it is not in the regulations, but abutters would ask how they could give the driveway permit when you can't see. In years past the selectmen have sent the Police Department out to determine if it is safe, for state and town roads. Joan asked what Mr. Buxton thought of it being included on the driveway permit. Bob asked if they have guidelines or is it just an opinion of the current chief. Mr. Buxton brought up Hudson Heights and how the state originally approved the road and then after it was built they said that it wasn't safe to pull out. Peter expressed that the town engineer looked at the plan and the site distances were shown on the plan. Dylan handed Peter the AASHTO standards, from the Transportation Engineers of America, it will give listings of the recommended safe sight distances based on the speed of the road. Kate commented that the town engineer should have a copy of these. Peter asked why David is not the one doing the site distances instead of the police department. He is the road manager. David commented that every application will be different based on the road construction as well. David will get a copy of the AASHTO from Dylan and the copies will be sent out to the board as well. He has a measuring wheel and he will see how it works. Dylan said that the other towns he works in are usually 200 ft. for a standard town road, and the 50 mph roads are 400 ft. which is also subject to the downgrades and upgrades. Kevin Russell is the contact for District Six now; David will get in touch with him to see how they measure the state roads. Peter thanked David for attending.

**OTHER BUSINESS:**

Donna Carter approached the board about 3 properties off of Wild Pasture Road. She asked about the lots on Wild Pasture Road being buildable if there was a right of way granted over the property in the front with current road frontage on Wild Pasture. Map 9 Lot 22 is the lot that has the frontage on Wild Pasture and Map 9 Lots 16, 17, 18 are the 3 back lots in question. She is indicating that they predate zoning and are existing lots of record. There is a current deeded right of way but it can't be used as a driveway. Mrs. Carter brought up the Exeter parcel Map 17 Lot 31 from the September 4, 2007 ZBA decision to allow it to be built upon with a reference to the Court Case Metzger v. Brentwood, 115 N.H. 287 (1975). Mrs. Carter expressed that they can meet all the different requirements except the frontage requirement. Joan indicated that you can't deny access to existing lots. Dylan quoted RSA 674:41 III.

*III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).*

**674:41 Erection of Buildings on Streets; Appeals. –**

*I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed.*

Peter asked if there was a current easement to the street. Is there one of record. Donna said that there is not one where you can put utilities, or be used for ingress or egress to the properties. Kate is not sure that Lot 17 meets the current requirements. Mrs. Carter believes that it does. Scott explained that they were once pasture lots in the back and the current easement was to access the lots with the animals. He first thought that you should be allowed legal access to your lot but after reading the referenced RSA's, you need to have had access, there is not anything established.

Dylan would recommend that the town seek Charles Tucker's legal opinion. The board suggested that Mrs. Carter go before the selectmen and ask them to seek legal counsel about the build ability of the back lots.

**OLD BUSINESS:**

Telecommunications Ordinance- Postponed to the May 2014 Meeting

Wind Tower Ordinance – Postponed to the May 2014 Meeting

***Approval of March 18, 2014 meeting minutes.***

***Glenn made a motion to approve the meeting minutes Jim seconded all in favor.***

**Election of Officers- Chairman and Vice Chairman-**

Joan nominated Peter as Chairman and Kate seconded it.

Glenn nominated Joan as Vice Chairman and Kate seconded it.

**All those in favor of the nominations. Approved.**

**Next Meeting –May 20, 2014**

***Jim made a motion to adjourn Glenn seconded, all in favor.***

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk