

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON TOWN HALL  
95 AMESBURY ROAD  
TUESDAY,  
AUGUST 18, 2015  
7:30 PM  
Meeting Minutes-Approved 9-15-2015**

**In Attendance:** Jim Thompson, Chairman; Joan Whitney, Vice Chairman; Kate Mignone; Bob Solomon; Michael Schwotzer; Peter Merrill, Selectmen's Representative; Julie LaBranche, Rockingham Planning Commission Representative.

Also in attendance: Bruce Cilley, Representative for KIC 98 Amesbury Road LLC

Jim Thompson called the meeting to order at 7:34pm.

**New Business:**

**Lot Line Merger:**

KIC 98 Amesbury Road LLC      **Map 11 Lot 13 and Lot 12**

Bruce approached the board and showed them some drawings of the lots and indicated that the owner would like the lots combined. Currently lot 12 is a parking lot, for the f/k/a Kensington Grocery. Mike considered this lot to be grandfathered status. Mike explained that the lot is still residential/agricultural, but the use is commercial for the lot.

Mike indicated that the former owners would come for a site plan review if there was a change in use, and he would expect that the new owners would be doing the same. Jim read the RSA 674:39a to the board and all those present.

Where there is currently nothing in the regulations for the Lot Mergers the board will go by the RSA.

Bruce stated that the surveyor would be willing to drop off a Mylar to be recorded at the registry tomorrow.

The board suggested that Lots A & B should have the acreage before and then the new combined total. Joan would like a note on the plan stating that the building is a non-conforming use. The board also discussed adding in Note one that the use is an existing non-conforming use.

**Mike made a motion for the planning board to approve this plan with the following conditions:**

**Conditions:**

- 1. Noting original areas of the two lots;**
- 2. surviving lot noted and correct acreage after merging the lots**
- 3. in note one add non-conforming**

**Peter seconded; all in favor.**

Bruce asked for board clarification if he needs to have site plan review to add on a porch to the existing building or can he just obtain a building permit. The board confirmed that he should come back to the planning board for a site plan review to add the porch to the existing building.

**Mike made a motion to have the chairman sign the finished Mylar, Joan seconded; all in favor.**

**Storm Water Management**

Julie passed out an Addendum for the Storm Water Ordinance, which will be implemented into the one that the planning board is currently considering. The board changed some of the wording to add the most current published precipitation data, and the list of Best Management Practices as well. This will only apply to the commercial development and is not part of the residential areas yet. Julie suggested that in the same hearing the board could notice it to be adopted in the town's road construction section in subdivision regulations as well.

The board will continue to review and revisit next meeting.

**LLA Applications:**

Julie passed out examples for the board to review from Brentwood, East Kingston, and Exeter. The examples were from very basic to detail. The board would like to see that the template in the regulations already be expanded to include some of the other information, but would not want to add another whole section to the regulations. The board will cross reference our current regulations with the other towns and make notes to be discussed next meeting.

**Non-Conforming Uses Section to be added to zoning:**

Julie passed out examples for the board to review from Rye, NH. They will make notes and discuss at the next meeting. The board listed a few of the non-conforming issues that the town currently has. Julie asked if the board would with a list of the non-conforming issues. The board will continue the discussion next meeting.

**Wetland setbacks-**

Julie did not do any examples on this because she feels that our setbacks are good. There are other towns that are decreasing the setbacks to wetlands, but she does not suggest that for Kensington. The board will consider revising some of the definitions and revisit next meeting.

**Local Flooding issues-**

Kathy forwarded the Natural Recourses Inventory to Scott Olson who is the U.S. Geological Survey Project Manager. They are trying to gather local data from people who know the areas and are looking for newly flooding areas. Some of the flood studies were done a long time ago and the conditions no longer exist. Joan explained that our Kimball Road Culvert project is currently being reviewed by DES to see if FEMA might be able to fund any of the project.

**Kimball Road Culverts-**

Just a quick update to the board members that Kimball Road culverts bids were just opened and will be discussed at the next Selectmen's meeting.

**Felch Pit:**

Peter read the board an email received by Harold Bragg indicating that the Felch Pit off of Amesbury Road was trucking in materials in Audley trucks. Mr. Bragg stated that this is not an approved use. The board questioned if this was an approved use. Kathy was asked to get the information together for the board ahead of time and there was a plan presented. In the notes on page S10 it states that: *No organic mineral or earth materials or any other debris may be brought onto the site without proper written approval of the Town of Kensington.*

Kathy did speak to the owner Frank Felch and they are trucking in loam to be removed at the end of the project. The board asked if the town engineer could be asked to visit the property. It was decided that they should refer to the Board of Selectmen to ask Christian Smith the Town Engineer to visit the property.

**Joan made a motion to recommend that the Board of Selectmen have Christian Smith visit the Felch Pit, once permission is obtained from the owner, Seconded by Kate, all in favor.**

**Building Lot:**

Joan wanted to notify the board that there is a lot for sale Map 16 Lot 4-4 that was subdivided a number of years ago. This is almost 15 acres and has access through Exeter off of Linden Street. Joan believes that it is a buildable lot and wanted the board to be aware of the current sale. She will forward information to Kathy on the parcel so that the building inspector can be aware of the interest. Kathy pulled the file from the subdivision and will review and get back to the board.

**NH Supreme Court Case: Farms holding Weddings**

Joan informed the board that there was a recent case on the issue of Weddings being held at Farms and the Supreme Court deemed that weddings are not agricultural and should not be allowed. (*Supreme Court Case Stephen E Forster vs Town of Henniker June 12, 2015.*) The board members were emailed copies to review.

**Approval of June 16, 2015 meeting minutes.**

Joan made a motion to approve the meeting minutes from June 16, 2015, Kate seconded; Mike recused, all others in favor.

It was decided that the next meeting would be held at the Town Hall on September 15, 2015.

**Peter made a motion to adjourn at 9:40pm, Mike seconded, all in favor.**

Respectfully Submitted,

Kathleen T Felch  
Planning Board Clerk