

**KENSINGTON, NEW HAMPSHIRE KENSINGTON
PLANNING BOARD TUESDAY
April 18, 2017
7:00 P.M. AT THE
KENSINGTON TOWN HALL
95 Amesbury Road
Meeting Minutes- Approved 5-16-2017**

In Attendance: Jim Thompson, Chairman; Bob Solomon, Kate Mignone, Joan Whitney, Vice Chair; Glenn Ritter; Julie LaBranche, RPC Representative

Others in attendance: Mr. Sheehan and relatives

Jim opened the meeting at 7:00am.

Jim read the opening to the hearing as listed below. **Bob motioned to open the public hearing, Kate seconded, all in favor.**

Public Hearing-Lot Line Adjustment

1. Dorothy C DiBona Revocable Trust; Dorothy C DiBona, Trustee, of 4 Laurel Lane, Kensington NH, Map 18 Lot 17 and Map 18 Lot 34, for a Lot Line Adjustment, in accordance with Article III Section 3.2 G1 of the Kensington Subdivision Regulations. The intent is for the property owner to adjust the current property lines between Map 18 Lot 17 and Map 18 Lot 34, by reducing the lot area of Lot 34 to 3.083 acres and enlarging Lot 17 to 19.245.

Peter Landry approached the board and explained what the DiBona's are proposing to do. Mr. Landry showed the board on the plan the reduced size of Lot 34 which would make it a 3 acre lot off of Drinkwater Road. The lot is currently 25 acres including the 6 acres in Hampton Falls. The lot will be below 5 acres so Mr. Landry will be getting a state subdivision approval because the lot created is below 5 acres. The abutters approached the board to view the plan. There is a 71-foot swath that is preexisting along Drinkwater Road, which could be a driveway to the existing lot. Bob explained that they are not creating a non-conforming lot, it is grandfathered, and this lot would adhere to the current acreage requirements. Mr. Landry explained that the state will require a state subdivision approval because the lot is to be reduced to under 5 acres. He clarified that the DiBona's are not subdividing, but reducing an existing lot and increasing an existing lot, and the state will still require a subdivision approval before a septic system will be approved.

The abutters asked if the current frontage would need a variance or if that is enough room for a driveway. Julie commented that there is 71 feet of frontage which is plenty for a 10-foot driveway. Jim added that this is an existing lot and not subject to current zoning. Mr. Sheehan commented that the end of his current driveway floods and he is worried about more flooding. Mr. Sheehan asked if this lot meets current zoning for a lot, and it was explained that this is an existing lot. Julie explained that this is described as a lot line adjustment because they are adjusting the existing lines they are not creating any new lots. Bob explained that they have to conform to the zoning but they are not doing anything that is not already there, the driveway area already exists. It was confirmed that only one house would conform to this lot. Mr. Landry explained that the state subdivision approval will be needed for the septic system approval. There doesn't seem to be a setback for driveways within the current zoning regulations. Joan explained that driveways are not considered a structure, so are not the same setbacks as a structure. Julie stated that the driveway would need to be at least 10 feet from the boundary of the property, to allow for snow and construction.

The abutters asked what would be done with the rest of the property. Mr. Landry stated that they are pretty much trying to do this for tax purposes, and has no plans for development. Bob explained that there is a cul-du-sac limit of 900 feet so a development would be difficult. Article III, Section 3.3 is the current subdivision regulations, Kathy will email them to the abutters. Mr. Sheehan asked if there was any recourse to the decision made tonight. It was explained that superior court would be the next step if the decision is not what the abutters feel is right. Joan explained that the lot is just changing the acreage and that the lot is a grandfathered existing lot.

Julie commented that Mr. Landry is taking this plan to the DES for their approval, so she would suggest to make any approval conditional upon approval from the state.

Mr. Sheehan asked if there was 30 days to appeal any decision made tonight. Julie researched the RSA and explained that it is found under statute RSA 677:15, and this appeal would have to be filed within 30 days with cause.

Glenn made motion to close the public hearing, Kate seconded, all in favor.

Jim and the board went through the checklist and indicated all aspects of the map. The checklist will be part of the record. NHDES subdivision approval would be need and part of a conditional approval, as well as the certification of monumentation.

Bob moved to approve the lot line adjustment with the two conditions:

- **Certification of Monumentation**
- **NHDES subdivision approval**

Glenn seconded, all in favor.

Chairman and Vice Chairman for 2017-2018:

Joan made motion for Bob to be nominated for chairman, Kate seconded, all in favor.

Joan made motion for Kate to be nominated for vice chairman, Glenn seconded, all in favor.

Both accepted the nominations.

Ricci Construction Consult- subdivision- Mr. Ricci emailed and stated that he would need to attend a later meeting as they were not at a point to talk to the board yet.

Rockingham Planning Commission Town Representative:

The board asked Joan if she would be willing to accept this for the next 3 years. She accepted.

Bob made motion to appoint Joan Whitney to Rockingham Planning Commission Town Representative, Kate seconded, all in favor.

Accessory Dwelling Unit:

Julie stated that on the application for the Accessory Dwelling Unit might need to have the applicant submit a site plan review. Fees were discussed and the applicant will have to pay any applicable fees associated with reviews.

Julie will draft up the changes and discuss at the next meeting.

Bob asked if the RPC has done a survey on the ADU. Julie stated that one town did them with them being detached, and all others did them attached.

Julie stated that there should be a process agenda created for the board as well as the board starting with the formal introductions and how many formal members you have. Joan stated that if there is an alternate member they should state that they are alternates.

Telecommunications Applications.

There have been inquiries about wireless cell towers and there is some interest in the area filling in the gaps. A few years ago, some changes were made to expedite the process. There is a 30-day review that was implemented and with other towns Julie works with they mention and authorize things immediately. There is only 30 days to notify the applicant that more information is necessary, but after 30 days the information is optional. The board would also be required to start the process, but the public hearing would not be held until all the information is supplied. Julie will draft a new section for the site plan review regulations, that would go in the procedures area of the regulation. Joan asked if it will be referenced in the telecommunications to reference it, Bob stated that you could do both.

Approval of March meeting minutes. **Kate made a motion to approve the March meeting minutes as presented, Joan seconded, all in favor.**

Glen made motion to adjourn at 8:20pm, Bob seconded all in favor.

Respectfully submitted,

Kathleen T Felch