

**KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
TUESDAY
JUNE 19, 2018
7:00 P.M. AT THE
KENSINGTON TOWN HALL
95 Amesbury Road
Meeting Minutes
*Approved 7/17/2018***

In Attendance: Jim Thompson, Mary Smith, John Valvanis, Glenn Ritter, Alt., Bob Wadleigh, Selectmen's Representative, Julie LaBranche, Rockingham Planning Commission Representative

Others Present: Briana Grieco, John Andreasse, Wendy Osgood, Daniel Thompson

Jim opened the meeting at 7:03pm, Bob seconded, all in favor.

Jim introduced the board members to the people in attendance. He explained that the board now has five active members, and there are enough members tonight for a quorum.

Jim will be acting as the chairman of the board for this meeting and read the below notice.

PUBLIC HEARINGS:-Continuation

Notice is hereby given of a public hearing to be held by the Kensington Planning Board on Tuesday, May 15, 2018, beginning at 7:00 p.m. at the Kensington Town Hall, 95 Amesbury Road, Kensington, NH. The purpose of the hearing is the following:

Briana Grieco, 56 Osgood Road, Kensington, NH, M12, L45B3, for a change in use of an approved Home Occupation, in accordance with Article III, Section 3.3C of the Kensington Zoning Ordinance. The applicants propose to change the use from a pottery studio to be able to operate yoga classes from their residence.

Bob motioned to open the public hearing at 7:07pm, Mary seconded, all in favor.

Jim explained that the board had continued this application. Jim asked if there were any questions about the application. Mary commented that if the site was reviewed she was okay with the application. The board went through the checklist. The Zoning Board of Adjustments approved this use at their May 1, 2018 meeting. Julie did the calculations and the calculations for used space within the home is 24% which complies with the current regulation limits of the use not to exceed 25%.

Jim commented that the sign cannot be larger than 4 square feet. The applicant stated that they were aware of that. There were letters of support for this home occupation received and they were added to the file. There were stipulations on the application from the zoning board and the applicant will have to adhere to those as well.

Jim opened the public hearing for public comment, there was no public comment.

Bob made a motion to approve the site plan, John seconded, the vote passed unanimously.

Jim signed the approval of the use. There were no conditions from the planning board.

Building Inspector- Norman Giroux-zoning discussion-Article VI Wetland and Hydric Soils Conservation- Section 6.1

- Norman brought up that he had questions on the zoning ordinance and passed out marked copies of the Wetland and Hydric Soils section that identified the Hydric A and Hydric B

soils. Norman stated that it is confusing to read. He believes that it contradicts itself and states that any use is allowed under 400 square feet with no setbacks to the wetlands. He was wondering if this could be stated differently so that the meaning is understandable. Glenn explained that it could be worded to state the type of building that is allowed. Julie thinks that 400 square feet is very large to be that close to the wetlands and she sees where this could be an issue with the square footage being too large and that close to the wetlands. It was suggested to reduce the size to 200 square feet.

Norman clarified that a 10x12 shed does not need a building permit and he believes that all sheds should be permitted and all sheds should meet the setbacks. The question is twofold and the board would have to reword the zoning to change the size of the allowed building and state how close they can be to the wetlands for smaller. He does not want to change the 400 square feet, if it is allowed then give him some guidance on how close it can be if it is exempt from the setbacks for size. Anything greater than 200 would have to be changed. He had a case that another building inspector made them move the shed 25 feet back, and then he found out that was wrong and he is having a hard time to figure out how to go on this.

The board then reviewed Article VIII Section 8.1A3 A free standing structure exceeding 120 square feet as measured from outside. So, you can build a shed that is 10x12 without a permit. This would be subject to the side yard setbacks and would have to comply even though it does not need a permit.

Bob stated that with the zoning they have now, if someone builds a shed and it is within the 25-foot setbacks they will have to move the shed if they don't have zoning board approval for a variance.

The following suggested changes to the zoning were made. Structures greater than 200 feet do not have to comply with the setbacks for hydric A or hydric B but will still have to comply with some sort of setback requirements. Possibly they could be 50 feet from Hydric A and 25 feet from Hydric B. John would like to consider this next meeting.

- **Moulton Ridge Project-** he understands that the Cease and Desist has been lifted and the owner is ready to now get a permit for the next lot. He was asked to let the Planning Board know when the owner was ready to apply for the next home. Most of the land drains to the front of the lot and he is concerned with the drainage, and they might need to put in a pump system and possible foundation drains.

Norman explained that the designs given to him have perimeter drains, and the board confirmed that most houses have them. There might be some excavation done on the site for the drainage.

Norman stated that they will be more excavating on the next lot. Mary stated that he is looking to change the grade from the approved plan. Bob suggested that it is his issue and he needs to contact Dennis Quintal and see what he thinks and he might be able to give him some idea on how to complete the excavations. It was not the builder's idea to do the excavation that was done.

Bob is comfortable with Dennis reviewing a grading plan. The owner will have to pay the engineer the fees associated with the reviewing of the grading plan.

- **Accessory Dwelling Unit- Detached-** The legal review of the article stated that the board can not change the existing article but have to insert the approved wording at the end of the article. Julie will prepare the draft and bring to the board next month.

John asked if someone will write a proposal on the proposed changes. First step is for the planner and board to make the changes and bring to a meeting of the board and they will vote to send them to the public hearing. If there are no major public comments then the amendments will be forwarded to the selectmen for inclusion in the town warrant.

OTHER BUSINESS:

Moulton Ridge Road- Julie went by Moulton ridge road and was surprised about how deep the swale is. It was explained that it was being built from the revised plan. Lot 4 has the material stock piled from the swale. Julie read from the excavation section in the ordinances, and stated they have to be 50 feet from the abutter. Bob corrected that this is a house lot not an excavation permit for commercial purposes so those setbacks do not apply. It was read from the zoning that any excavation that is incidental to the building of a home is exempt from the excavation section.

Tannery Way- there is a sight distance issue that they are working out with Christian Smith, David Buxton and the Fire and Police Departments.

Home Occupation- Julie asked if the board wanted to clarify the section and they discussed if they would want to change the existing special exception. They will review at a later time.

Meeting minutes- May

Bob made a motion to approve the May meeting minutes, Jim seconded, in favor.

Jim asked who would like to be chairman for the next year. Jim stated that he will do the July meeting and then the board can decide. John stated that he would like to attend a few more meetings but would be willing to be chairman after that. The board will hope to elect a chairman at the next meeting.

Bob made a motion to adjourn at 8:15pm, Glenn seconded, all in favor.

Respectfully submitted,

Kathleen T Felch