

**KENSINGTON PLANNING BOARD  
TOWN OF KENSINGTON, N.H.  
KENSINGTON ELEMENTARY SCHOOL LIBRARY  
TUESDAY, July 15, 2014  
7:30 PM**

**Meeting Minutes-approved 8-19-2014**

**In Attendance:** Peter Merrill, Chairman; Joan Whitney, Vice Chairman; Kate Mignone; Michael Schwotzer; Robert Solomon; Norman DeBoisbriand, Selectmen's Representative; Scott Lowell, Selectmen's Representative

Residents: David Buxton, Road Manager; Donna Carter; S.E.C Associates; 4 residents; Bruce Cilley; Harold Bragg

Peter Merrill chairman called the meeting to order at 7:37pm.

**Driveway Permit-**

**Maplevale Builders- Map 9 Lots 22, 16, 17 & 18**

**To allow for shared access from the existing driveway current access is to lot 22**

Peter called David Buxton forward to speak to the driveway permit request for 39 Wild Pasture Road by Maplevale Builders and Kim and Scott Lowell. The permit is making a few modifications to the existing driveway to make an adequate turning radius. David looked over the sketch and informed the board that there is some construction going on by the town on Wild Pasture Road by that address because of drainage issues. The town is putting a small catch basin in that will run across the street into the subdivision and drain down into the existing fire pond. Joan asked if the right of way is wider than the existing driveway. David explained that the site distance is fine, and the dotted line on the plan was the existing driveway, and they are basically just changing the turning radius. Maplevale Builders representative indicated that the steeper section of the driveway is 7% and then levels off, so if they do a negative pitch it will still be under the 8%. Mike asked if there was a driveway permit needed. David indicated that since there are modifications to the existing driveway then a new permit was needed. Mike expressed that the jurisdiction of the back lots is not within the planning board authority. They are not tying into a public road, and the back lots would be private driveways so the board would not need them to come back for driveway permits on the back lots. The selectmen would deal with anything pertaining to the back lots during the building permit process. Peter made a point that the correspondence from our attorney is vague as to the information reviewed by town counsel. Specific evidence was indicated but not mentioned in the legal opinion received. Town Counsel did not state the specifics of how they made their determination that the lots were buildable lots. Mike asked if Kathy had been able to locate a subdivision plan for the back lots to indicate when they were created, and she was unable to locate a specific plan for a subdivision of the back lots 16, 17 & 18. The lots are taxed as residential/agricultural with a neighborhood code of backland. Mike expressed that he is not comfortable with the 3 back lots being included on the permit for the modification of Map 9 Lot 22's driveway. Peter agrees and does not feel comfortable with accepting the current permit as requested. The board clarified that they only have jurisdiction over the first 13 feet off of the road in reference to the driveway permits on town roads. Mike expressed that the board, even if they have reservations on the back 3 lots, the board should only be looking at the front lot with this application. Driveways on the back lots then become an issue with the developer and the selectmen. Kate asked why the back lots are even considered to have access, and it was explained that legal counsel responded that they need to be allowed access and a deeded right of way over the front property will give them the access and rights to build as the lots are predating the town's zoning. Building will have to follow the current zoning setbacks and regulations, just not the frontage requirements. The board further explained that the bus services would be at Wild Pasture Road as well as the trash pick-up. Bob asked how the town can provide emergency services to the individual lots when the Town has no jurisdiction over them, and the builder informed the board that they are working with the emergency services for the lot.

The new permit was submitted, with no change to fee.

**Mike made a motion to accept the application on the driveway permit 9-22; 39 Wild Pasture Road Kate seconded. Motion amended by Bob to refer only to Map 9 Lot 22 as depicted on the site plan; Mike seconded; all in favor.**

**Public Hearing**

Bruce started with the last meeting list and all issues where addressed.

1. The waiver request was submitted.
2. Bruce showed the board a survey from 1996 when they did a lot line adjustment that reference a recorded plan D-25127 that shows the lot lines.
3. Septic Plan is at the State for approval
4. Note for connecting cistern

***Mike made a motion to grant the waiver requested for the location and dimensions of the property lines, Joan seconded with all in favor.***

**Joan made motion to Approve the site plan review of site plan presented with conditions:**

***Added notes to include C2 correction about conservation land being located to the South of the boundaries shown.***

***Issue of compliance from DES on the septic regulations.***

***Mike seconded; all in favor.***

**Mike made a motion to authorize the Chairman to sign whatever necessary documentation upon completion of the required conditions. Scott seconded; all in favor.**

### **OLD BUSINESS:**

Zoning Book Update- Kathy presented the board with copies of the two separate sections

Some suggestions:

- i. Definitions in Ordinance updated to include definition section.
- ii. Joan would like to see if the numbering could be different between the two different sections.
- iii. Change abutter definition to current one.
- iv. Different names for the two sections of the zoning book for clarity; zoning or land use ordinances.
- v. Make sure definitions are the same in each section
- vi. Find out if all sections need to be voted on
- vii. August meeting to vote on and see what is next.
- viii. Process of voting; vote to accept recodification of zoning.

### **OTHER BUSINESS:**

***Approval of the May 20, 2014 meeting minutes.***

Kate spotted that Jonathan Ring was Rink and asked to have it changed; Mike made a motion on the Underwood. ***Mike made a Motion to accept meeting minutes with amendment Page 2 bottom last paragraph Jonathan Ring; Joan seconded and approved; one abstention.***

***Approval of the June 17, 2014 meeting minutes. Mike made a motion to approve the June 17, 2014 meeting minutes; seconded by Bob with two abstentions approved.***

Scott Lowell informed the board that he will be stepping down as Selectmen as of July 31, 2014. He has been on the Planning Board for 2 years and was thanked for his service to the Town of Kensington.

**Next Meeting –August 19, 2014**

**Zoning Book continued; Suggested changes and vote on it; Storm water update/retention on property**

**Model storm water ordinance- get from Theresa**

***Mike made a motion to adjourn at 9:06pm; Seconded by Scott all in favor.***

Respectfully Submitted,

Kathleen T Felch, Planning Board Clerk