

**KENSINGTON, NEW HAMPSHIRE**  
**KENSINGTON PLANNING BOARD**  
**WEDNESDAY, August 16, 2023, 6:30 P.M.**  
**At Kensington Town Hall 95 Amesbury Road, Kensington, NH**  
**Meeting Minutes**

The Kensington Planning Board will meet at the Kensington Town Hall, 95 Amesbury Road to conduct a meeting on Wednesday, AUGUST 16, 2023, at 6:30pm.

The chair called the meeting to order at 6:34pm.

Introduction of Planning Board members and other meeting participants:

In Attendance: J. McLane (chair), B. Solomon (Selectman), Mary Smith, Carly Fenton, Marty Silvia, Glenn Greenwood (Town Planner), and Owen Corcoran (Land Use Coordinator)

**PUBLIC HEARINGS:**

**Planning Board Public Hearing:**

**Owner: Donna M. Pikul Revocable Trust**

**17 Lamprey Rd**

**Kensington, NH 03833**

**Map 6 Lot 62**

The applicant is requesting that the Planning board approve a Lot Line Adjustment as stated in Article III, Section 3.3.H.1 of the Kensington Subdivision Regulations.

- The board reviewed the application for completeness.

**MOTION:** M. Smith made a to open the public hearing and accept jurisdiction of the application. C. Fenton seconded. All in favor, none opposed, no abstentions.

- The chair opened the public hearing at 6:41pm.
- The applicant, Donna M. Pikul, explained that she is applying to the planning board for a lot line adjustment to add an acre and a half at 17 Lamprey Rd, which is owned by her son.
- D. Pikul explained that there are test pits dug for the well, but she does not plan on developing that land.
- J. McLane stated that the reason the questions regarding the well came up was to ensure that it will be a buildable lot, there needs to be ample space for legal separations of the well and septic, and a proposed structure location.
- G. Greenwood stated that there needs to be a 4000 square foot area around the test pits that the surveyor needs to be shown on the plan. He stated that the board can grant a conditional approval stating what needs to be done before final approval.

- J. McLane asked about the inclusion of the existing spring lot into 17 Lamprey Rd.
- D. Pikul stated that she does not want the lot line to be straight in accordance with the town's preference of straight lot lines, because she wants to prevent the sale of the lot a developer.
- The board reviewed the town planner's review letter for the application (Addendum 1). G. Greenwood provided a copy of the letter to the applicant.
- B. Solomon stated that the applicant seeks to create two non-conforming lots. J. McLane stated that by dividing it the board is opening it and approving it as a modified non-conforming lot.
- D. Pikul stated that the lot line adjustment will be turning two non-conforming lots into only one non-conforming lot.
- The chair opened the hearing to public comment.
- John Anthony Simmons, an attorney in Hampton, NH, stated that he was representing Heather Mancilickli, whose husband is the trustee of an abutting property. He stated that Heather had called the town hall and was told that the application information would not be released to the public.
- O. Corcoran stated that he spoke with Heather on Monday and stated that he was referring to the minutes not being available to the public until they are posted within 5 business days, in accordance with state law. He stated that on Monday, he had showed the entire application to another abutter who had requested to review the application in person. Heather's husband had received a public hearing notice because her husband is listed as the trustee of an abutting property.
- Alan DeFreitas of 6 Bewer Road, stated that he does not see any issues with the plan. He stated that when his in-laws purchased the property, they were using that well that was part of the applicants non-conforming lot at that time. He stated that the Pikul's own the spring lot, but that his family has the rights to use the well via the deed to the lot.
- G. Greenwood stated that he doesn't think that the spring lot is an issue, since the deed states that they can use the well.
- C. Fenton asked if the question they were discussing was about the shape of the land. G. Greenwood confirmed, and stated that to the maximum extent possible, lots should be rectangular or square in shape, and that side lot lines in general should be perpendicular to the street. He stated that the wording in the zoning ordinance give the board leeway to make a judgment call on lots that are not rectangular or square in shape.

**MOTION:** C. Fenton made a motion to approve the plan with the following conditions:

1. Plan to be amended to indicate abutter names;
  2. Plan to note that the properties are located in a residential/agricultural zone and wetland conservation district;
  3. Monument certification to take place before final approval.
- D. Pikul asked is she only has 21 days to meet the conditions of approval. G. Greenwood stated that she has 90 days.
  - C. Fenton stated that procedurally the board needs to amend the motion because she left out the 4000 square foot reserve area. The board had no objections to amending the motion. The motion to approve was amended to state the conditions of approval with the addition of the 4000 square foot area:

1. Plan to be amended to indicate abutter names;
2. Plan to note that the properties are located in a residential/agricultural zone and wetland conservation district
3. Monument certification to take place before final approval;
4. Plan must be amended to show a 4000 square foot septic reserve area.

M. Smith seconded. All in favor, none opposed, no abstentions.

The chair closed the public hearing at 7:50pm.

## **NEW BUSINESS**

- **Certified Mailing Fees for Applicants**

- O. Corcoran presented a letter to the board that was submitted by himself regarding certified mailing fees for applicants (Addendum 2). He stated he spoke with an attorney at the New Hampshire Municipal Association who stated that return receipts are not necessary. It should be noted that that guidance from the NHMA is not official legal guidance.
- O. Corcoran explained that state law says that towns are legally obligated to provide evidence of mailing, not evidence of delivery. He explained that when certified mailings are dropped off at the post office, the clerk provides a stamp on the certified mail receipt that shows when the items were dropped off. Furthermore, certified mailings can be tracked via the tracking number assigned to each certified mailing receipt, showing evidence of mailing.
- The board discussed the certified mailing fees, and the consensus among the board was that as an added legal protection, keeping the certified return receipts with certified mailings should be a standard procedure for the town.
- No motions were made on this agenda item.

- **2-Tier Contract for Planner Services**

- The board reviewed the contract for Town Planner Services. No changes were made to the new contract (Addendum 3).

**MOTION:** M. Smith made a motion to accept the 2-Tier contract for Planner Services as presented and refer the contract to the Select Board for certification. C. Fenton seconded. All in favor, none opposed, no abstentions.

## **UPDATES ON PRIOR BUSINESS:**

- **Checklists**

- G. Greenwood presented the board with the updated checklists that were discussed at the July 19, 2023 Planning Board meeting. Minor changes were made to formatting.

**MOTION:** M. Smith motioned to accept updated checklists. M. Silvia seconded. All in favor, none opposed, no abstentions.

- **Review of Planning Board Rules of Procedure**
  - The board reviewed the edits made to the draft Rules of Procedure.
  - Changes were made to uniformity in wording and syntax.

**MOTION:** M. Smith made a motion to accept the updated Rules of Procedure. M. Silvia seconded. All in favor, none opposed, no abstentions.

- **Master Plan Survey**
  - The board tabled the master plan survey until the board commences workshops in September.

**Approve Minutes from July 19, 2023**

- Approval of minutes was tabled until the next Planning Board meeting.

**Any other business brought before the Planning Board.**

- **Appointment of Aaron Fenton to the Planning Board**

**MOTION:** M. Smith motioned to recommend Aaron Fenton to the Board of Selectmen for appointment to the Planning Board as a full member, to complete the term of Josh Preneta. M. Silvia seconded. All in favor, none opposed, no abstentions.

**Next Regular Monthly Meeting:**

- **Wednesday, September 20, 2023, at 6:30pm**
- **The first Planning Board workshop will be held on Wednesday, September 6, 2023.**

**Adjournment**

**MOTION:** M Smith made a motion to adjourn. C. Fenton seconded. All in favor, none opposed, no abstentions.

**Meeting Adjourned at 8:42pm**

Note: The order of the agenda is subject to change without notice.

Submitted By,

Owen M. Corcoran  
Land Use Coordinator