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3 KENSINGTON, NEW HAMPSHIRE
4 KENSINGTON PLANNING BOARD
5 WEDNESDAY, MARCH 15, 2023, 6:00 P.M.

6 At Kensington Town Hall 95 Amesbury Road, Kensington, NH
7 Meeting – Minutes
8

9 **Members in attendance: Vanessa Rozier, Chair, Mary Smith, Vice Chair, Robert Solomon,**
10 **Selectmen’s Representative, Marty Silvia, Josh Preneta and Glenn Greenwood, Town Planner.**
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12 Vanessa opened the joint meeting at 6:00pm.
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14 **PUBLIC HEARING**

- 15 • **For the Local Utility Company Unitil to remove and trim trees on Kensington’s Scenic Roads.**
- 16 ○ **Wild Pasture Road (64 to 80)**
 - 17 ○ **North Road (44 North Road to 2 North Road)**
 - 18 ○ **Osgood Road (whole road)**
 - 19 ○ **Moulton Ridge Road (whole road)**
 - 20 ○ **Hilliard Road (29 Moulton Ridge to 14 Hilliard)**
 - 21 ○ **Trundle Bed Lane (Rt 150 to 23 Trundle Bed)**
 - 22 ○ **Stumpfield Road (89 Stumpfield to 2 Stumpfield)**
 - 23 ○ **Muddy Pond Road (1 Muddy Pond to 38 Muddy Pond)**
- 24

25 Vanessa opened the public hearing and asked for a vote to allow Benjamin Richard to present for
26 Unitil Via zoom. **M. Silvia motioned to allow for the Unitil Representative to present the**
27 **application via Zoom, seconded by J. Preneta, all in favor.**

28 There is no checklist for the board to follow for this application. They just need to review the
29 Inventory of the trees to be removed which was included in the application package. This was a
30 detailed list by road of what trees are to be removed that are identified as dead or diseased. K.
31 Felch had to relay the questions to B. Richard throughout the presentation. B. Richard explained
32 that the list that the board has is for removals, the trees on the list were tagged as hazard trees.
33 Landowners will be contacted prior to the tree being removed. There will be a 10 foot clearance
34 bubble surrounding the lines, as far as trimming. M. Silvia wanted to know the process for letting
35 Unitil know that the landowner does not want the tree removed. B. Richard explained that there
36 will be contact made with the landowner before any tree is removed or trimmed. If permission is
37 not granted the tree will not be removed. J. Preneta asked if there could be wording added to the
38 application letter from Unitil that no tree will be trimmed or removed without landowner consent.
39 B. Richard will add trimming to the letter submitted for the file. M. Silvia is concerned about the
40 logs that were left on the side of the roads after the trimming a few years ago. B. Richard stated
41 that the logs should all be picked up if the landowner does not want them.

42 The board will suggest that the Road Manager reviews the project at the end of the project to be
43 Sure that all the conditions are met.

44 Public comment was opened at 6:19pm.

45 Various residents asked questions of B. Richard including:

- 46 1. Landowners are concerned that the trees will not be picked up on the sides of the roads.
- 47 2. Landowners want to be sure that the trees are cut as flush to the ground as possible.
- 48 3. How to be able to keep the wood if wanted.- this would be during the permission phase.
- 49 4. If the wood is not wanted Unitil will send a log truck around to collect the logs left.
- 50 5. If landowner wants to keep the tree on the list for removal and deny the removal, are they
- 51 liable for damage if that tree falls. B. Richard stated that there is no landowner liability for
- 52 not allowing the removal.
- 53 6. Logs and stumps left 2-3feet tall and would like stumps cut as low to the ground as
- 54 possible. B. Richard stated that he will come out and visit 65 Amesbury Road.
- 55 7. If you have a dangerous tree on your property and you are on a scenic road you do not have
- 56 to obtain permission from the town before removing a tree if it is on your property.
- 57 B. Richard stated that he will reach out to the landowners for the issues with the prior work.
- 58

59 V. Rozier closed the public comments section at 6:25pm.

60 V. Rozier suggested that the Road Agent inspect the project at its conclusion.

61 J. Preneta asked if homeowners would know what is happening on their property and will they

62 explain what they will be doing. B. Richard explained that it will be explained to the landowners.

63 **Motion: M. Silvia made a motion to add the following conditions to the approval:**

- 64 1. For logs to be removed timely from the sides of the town roads
- 65 2. Add the language of "trimming" to the application letter.
- 66 3. The Road Agent shall inspect the work following its completion and will give notice
- 67 to Unitil in the event that there is anything unacceptable Unitil will respond in good
- 68 faith.

69 **Seconded by J. Preneta, all in favor.**

70

71 V. Rozier closed the public hearing for Unitil's application.

72

73 **Lot Merger for HH Backlands, LLC- merging Map 4 Lot 5 with Map 4 Lot 7-1 the merged**

74 **parcel to be known as Map 4 Lot 7-1.**

75 V. Rozier continued the meeting with the next application for a Lot Merger. G. Greenwood stated

76 that this is not a public hearing it is a landowner right to merge two commonly owned lots and

77 does not require notification to abutters. K. Felch showed the tax map of the lot that the applicant

78 wanted to merge and it is a lot within the lot that they are merging it into. The board understood

79 the reasoning behind wanting to merge the two lots as one is inside the other.

80 **Motion: M. Smith motioned to have the chairman to sign the lot merger approval form on**

81 **behalf of the board to merge Map 4 Lot 5 with Map 4 Lot 7-1, seconded by B. Solomon, all in**

82 **favor.**

83

84 **Motion: M. Silvia made a motion to close the planning board meeting at 6:36pm before the**

85 **Joint meeting with the ZBA, seconded by M. Smith, all in favor.**

86

87 V. Rozier opened the joint meeting for the zoning and planning boards for Vertex Towers at

88 6:37pm.

89 V. Rozier explained that the Zoning Board of Adjustment will hold their meeting and the planning
90 board will continue after that board has made a determination.

91

92 The zoning board of adjustments made a motion to approve the application for a variance.

93 **M. Schwotzer motioned to approve the variance for Vertex Towers, Marybeth Dinicola**
94 **of 70 Moulton Ridge Road under Article V Section 5.1.5.2 to allow for construction of**
95 **a Telecommunications Facility in the Residential/Agricultural zone. B. Ford made the**
96 **motion proposed and stated, seconded by J. Skewes, all in favor. None opposed.**

97 The zoning board then closed their public hearing and their meeting. The planning board will now
98 continue with their meeting on the project and the section that they are reviewing.

99 V. Rozier called for a brief recess.

100

101 All the same members were in attendance for the remainder of the meeting.

102

103 The following section of the minutes was not recorded.

104

105 **Continued Public hearings from February 15, 2023.**

106 V. Rozier called the meeting to order at 7:01pm and continued with the checklist for the following
107 public hearing to see if the application is complete.

108 **Motion: M. Silvia made a motion to accept the application as complete, seconded by M.**
109 **Smith, all in favor.**

110

111 **V. Rozier made a motion to open the public hearing at 7:09pm, seconded by M. Silvia, all in**
112 **favor.**

113

114 V. Rozier stated that the comments and questions will be opened to the public later in the meeting
115 and asked F. Parisi to go through his application.

116 F. Parisi asked if they need a conditional use permit and a site plan review.

117 G. Greenwood stated that they need to because all commercial applications need to apply for site
118 plan approval. Final approval should state that that the Conditional Use permit and the site plan
119 review are approved or denied.

120

121 **Planning Board Public Hearing:**

122 **Vertex Towers**

123 **Owner: Marybeth Dinicola**

124 **70 Moulton Ridge Road**

125 **Kensington, NH 03833**

126 **Map 10 Lot 1**

127 The applicant is requesting Planning Board approval for a Conditional Use Permit for
128 a Telecommunications Tower Facility.

129

130 F. Parisi explained that the in depth presentation was given in the last meeting of the board.

131 He explained that the site plans were submitted as well.

132 The only thing that happened since the last meeting was the Visibility Demonstration. They have
133 submitted a report to the town. F. Parisi showed the report to all present and explained where the
134 tower will be and that it will be 150 feet and the balloon was higher for this demonstration. The
135 demonstration will be an addendum to the minutes. Addendum #1.

136
137 V. Rozier asked the public to reserve their public comment for later in the process.
138 Recorder was turned on at 7:26pm when discovered it was not on.

139
140 F. Parisi indicated that they had provided all the information needed to the board.
141 V. Rozier explained that the board would ask questions that they have to the applicant at this time.
142 V. Rozier asked the board members if they had any comments. She asked M. Silvia if he rode
143 around town. M. Silvia explained that at 66 Moulton Ridge Road you have to look through the
144 trees to see the tower and then Stumpfield at the Landing Strip you really had to look for it to see
145 it. F. Parisi stated that this tower is actually shorter than the current one that exists on the John
146 Deere lot. V. Rozier as if they could pull up the tower so that the board could see what it looks like.
147 F. Parisi stated that to show a picture of the tower from the base is misrepresentative as you will
148 not be able to have that view, but he had a picture to show the board and the public. F. Parisi
149 showed a tower that is off of 125, and it is a monopole. V. Rozier asked about the tree looking type
150 of cell tower. F. Parisi explained that those fade and are not the first choice.
151 V. Rozier asked the board to turn to Section V of the zoning or the application package Section VI.
152 V. Rozier read the section of zoning that applies to Telecommunication towers.

153 *Telecommunication Facility Article V*

154 **Section 5.1.3 PURPOSE AND GOALS**

155 *This Ordinance is enacted in order to establish general guidelines for the siting of telecommunications towers and*
156 *antennas and to enhance and fulfill the following goals:*

- 157 A. *Preserve the authority of Kensington to regulate and to provide for reasonable opportunity for the siting*
158 *of telecommunications facilities, by enhancing the ability of providers of telecommunications services to*
159 *provide such services to the community quickly, effectively and efficiently.*
160 B. *Reduce adverse impacts such facilities may create, including, but not limited to: impacts on aesthetics,*
161 *environmentally sensitive areas, historically significant locations, flight corridors, health and safety by*
162 *injurious accidents to person and property and prosperity through protection of property values.*
163 C. *Provide for co-location and minimal impact siting options through an assessment of technology, current*
164 *locational options, future available locations, innovative siting techniques and siting possibilities beyond*
165 *the political jurisdiction of the Town.*
166 D. *Permit the construction of new towers only where all other reasonable opportunities have been exhausted*
167 *and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse*
168 *visual impact of the towers and antennas.*
169 E. *Require cooperation and co-location, to the highest extent possible, between competitors in order to*
170 *reduce cumulative negative impacts upon Kensington.*
171 F. *Provide constant maintenance and safety inspections for any and all facilities.*
172 G. *Provide for the removal of abandoned facilities that are no longer inspected for safety concerns and Code*
173 *compliance. Provide a mechanism for Kensington to remove these abandoned towers to protect the*
174 *citizens from imminent harm and danger.*
175 H. *Provide for the removal or upgrade of facilities that are technologically outdated.*

176 The board reviewed the above section of zoning and the remaining Telecommunications section.

177
178 V. Rozier stated that the tower has been designed to be applicable to all the other ordinances. The
179 board continued through the section that pertained to the telecommunication facilities. There was
180 discussion about service at the Elementary School and that there could be some.

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182 The board reviewed the plan, and the setbacks are met on the plan.

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Concerns of residents were:

- Size of the structure and facility and height
 - Was the balloon diameter representative of the towers, no the balloon was 4 feet the tower width will be closer to 12 feet.
 - Will they have to return if there is a need for the tower to be extended
 - Abutters rights were asked and it was stated that there is no specific rights of abutters to a project just that they need to be notified on projects.
 - Asked if the town should wait to see what the John Deere tower will provide for service before approving this one.
- F. Parisi answered this stating that there is a very scientific program that tells them what coverage each tower will have and it is marked out on the one of the pictures provided.
- It was stated that 180 Drinkwater Road was happy to hear comments about their wind turbine and they didn't have to go through this process.
 - There were disagreements with the board.
 - The board commented that there has been first responders asking for more coverage for years.
 - One public comment was that this tower is need for the safety aspect
 - There was questions submitted to the board for them to respond to and others were told that they could submit questions ahead of the next meeting to help to keep the meeting moving forward.
 - Attendees asked about the appeal process for the zoning board decision. Information was given.

G. Greenwood stated that the board voted to invoke jurisdiction on the application before them and the board has 65 days to make a decision on this application per RSA.

It was stated that information can be left with K. Felch and will be addressed at the next meeting.

M. Smith stated that they should have a deadline. These questions should be submitted by April 12, 2023.

V. Rozier explained that public feedback will be allowed at the next meeting.

M. Smith motioned to continue the public hearing until April 19, 2023, at 8:58pm, seconded by M. Silvia all in favor.

Approve Minutes from February 15, 2023, Meeting- tabled until the workshop.

- Workshop, Wednesday April 5, 2023, at 6:30pm
 - Planning priorities will be discussed.
 - What the board wants to accomplish in 2023

Next Regular Monthly Meeting:

- Wednesday, April 19, 2023, at 6:30pm – Continued Vertex application.

J. Preneta motion to close at 9:09pm seconded by M. Smith all in favor.

Respectfully submitted,
Kathleen T Felch