

**KENSINGTON, NEW HAMPSHIRE
KENSINGTON PLANNING BOARD
WEDNESDAY, April 20th, 2022 7:00 P.M.
At Kensington Town Hall 95 Amesbury Road, Kensington, NH
Meeting Minutes- Approved 5/18/2022**

In Attendance: Vanessa Rozier, Chair; Mary Smith, Vice Chair; Mike Schwotzer, Member; Bob Solomon, Selectmen's Representative; Marty Silvia, Alternate Member; Justin McLane, Member; Josh Preneta, Member; Glenn Greenwood, Planner.

Vanessa called the meeting to order at 7:00pm.

Vanessa addressed the resignation of Planning Board Member Christine Ouellette.

At 7:00pm Mike made a motion to recommend to the Board of Selectmen that Marty Silvia be promoted to Full Member. Mary seconded. All voted in favor.

At 7:01pm Mike made a motion for Marty Silvia to act as full member for the meeting. Justin seconded. All voted in favor.

Vanessa read aloud the hearing of:

Suzanne Concannon with a physical location of 7 Bartlett Road, Kensington, NH further identified as Map 4 Lot 33-20, has submitted a Conditional Use Permit Application for an Accessory Dwelling Unit in accordance with Article III, Section 3.2.3 of the Zoning Ordinance for the Town of Kensington.

At 7:02pm Mike made a motion to open the public hearing for Suzanne Concannon of 7 Bartlett Road for an ADU. Mary seconded. All voted in favor.

Suzanne Concannon addressed the Board and described her property. She felt that they as applicants had followed all of the rules for an ADU and felt that the location limited where they can place the ADU. Vanessa stated that the size of the ADU is 895 square feet with a 195 square foot common entrance. Ms. Concannon stated that common area was for the benefit of the house. Justin asked if there was a separate kitchen, and Ms. Concannon stated there was and also two bedrooms. Vanessa noted there was proof of parking spaces. Glenn asked about the septic system. The Board discussed septic approval and adequacy. Mary asked if the septic had been inspected. There was discussion about the existing septic design versus the future design by DES. Mike noted that it has to be inspected and deemed adequate and that a replacement plan did not constitute coverage. The Board felt that an inspection report to show that the system is functioning as designed was required. Mike read from section paragraph G that adequate septic for primary and accessory dwelling unit must be shown. Josh felt that a septic designer would take care of that. Vanessa noted that in Christian Smith's review it was noted it needed to handle additional flow for extra bedrooms. She described that an inspection would need to indicate whether it is large enough to support an ADU and the report needed to reference the ADU. Glenn explained who could inspect septic systems. Bob asked if it was stated that it was operating properly. Josh and Glenn discussed the size of the septic and whether or not the inspection was dependent on that. Mike reiterated that there should be a report for both the ADU and the existing dwelling. Mary asked what the existing size was. It was noted it was 1250 gallons.

Vanessa noted Glenn's comment about the new addition not appearing that the ADU is sufficiently subordinate to the primary dwelling and asked how many square feet the primary residence was. The applicant's engineer described it as being 60% larger than the ADU at 1440 square feet. Glenn noted the new drawing and felt that the ADU in the new graphic appeared to be more subordinate. Glenn stated that ADUs can be detached. Mike noted the plot plan and described that it showed the smaller unit and noted the differences. Mike felt that it does look subordinate. The applicants engineer noted that there was a difference in roof pitch and noted some difficulties in designing the ADU. He described the house as modest small rectangle. Mary asked if there was a door connecting the ADU into the house. The Board felt that the ADU was subordinate. Glenn noted that the square footage of the common area would be part of the house. Vanessa noted there were 4 parking spaces.

Justin noted that the survey that was attached to the DES approval had different setbacks. Vanessa felt that the surveyor would be more likely to be correct. Surveying was discussed.

Vanessa read through the checklist.

At 7:55pm Mike made a motion to accept the application as complete. Mary seconded. All voted in favor.

At 7:57pm Mike made a motion to approve the ADU application of Suzanne Concannon of 7 Bartlett Road for an ADU conditional use permit with two conditions:

1. Receipt of all fees and expenses prior to the recording of the conditional use permit at the registry.
2. Be in receipt of a review of the septic system issued by a New Hampshire licensed septic inspector as per item 3.2.3.g of the ordinance.

Mary seconded. All voted in favor.

At 7:59pm Mike made a motion to close the public hearing. Marty seconded. All voted in favor.

At 8:03pm Mike made a motion to open the public hearing of:

Dana and Jessica Cote with a physical location of 142 Amesbury Road, Kensington, NH further identified as Map 9 Lot 4, have submitted a Conditional Use Permit Application for an Accessory Dwelling Unit in accordance with Article III, Section 3.2.3 of the Zoning Ordinance for the Town of Kensington.

Justin seconded. All voted in favor.

Dana Cote described the property as having outbuildings, one of which had been removed. He described the primary dwelling as being 825 square feet. He is proposing a small studio second floor ADU. Mr. Cote discussed egress. He noted that his septic was inspected and said he felt that the leech field was in excellent condition. Glenn noted that he spoke with a person in Concord for building code and there is only one egress required for the ADU. There was discussion about building permits for the town of Kensington. It was noted that the Building Inspector would be inspecting the property as well. Mike asked what the square footage for the ADU was and Mr. Cote state it was 377 feet. The applicant noted there was a garage downstairs. Vanessa asked if there was a dividing wall between. Mary asked about parking and the applicant described it on the plan as open space.

Setbacks were discussed. Vanessa described ample setback from the lot line and displayed plans.

Vanessa read through the checklist and asked for other comments. Mike made a recommendation that the recommended repairs to septic be made and that it should be tied to occupancy and not approval.

Vanessa noted that an abutter was not noticed correctly but the abutter had sent in a note stating that they were made aware of the meeting.

At 8:22pm Mike made a motion to accept the application of Dana and Jessica Cote for 142 Amesbury Road for a conditional use permit under the ADU ordinance be accepted as complete. Justin seconded. All voted in favor.

At 8:22pm Mike made a motion to approve the conditional use permit for the ADU to Dana and Jessica Cote of 142 Amesbury Road for the ADU under 3.2.3 Accessory Dwelling Unit of the Zoning ordinance with one condition:

1. There will be a final inspection report that the recommended repairs to the septic system have been completed that must be received prior to the certificate of occupancy being issued.

Justin seconded. All voted in favor.

At 8:23pm Mary made a motion to close the public hearing. Mike seconded. All voted in favor.

Vanessa noted that it was time for Board elections and asked if anyone would like to be Chair or Vice-Chair.

At 8:25pm Mary made a motion to appoint Vanessa as Chair. Mike seconded. All voted in favor.

At 8:26pm Josh made a motion to appoint Mary Smith as Vice Chair. Mike seconded. All voted in favor.

Vanessa noted that Alternates are needed for the Board. Mike also noted there is an opening for representative for the Heritage Commission. He described the scope of the Heritage Commission. The Board discussed septic backup plans and Mary noted a House Bill regarding ADU septic systems that Glenn would follow up on. There was a discussion by the Board about short term rentals. Justin asked if an ADU can be rented and it was explained that the owner has to be in one of the units. The difference between a rental unit and an ADU was discussed. Mary noted the registration process. Mary asked if there was a report of an adequate septic if the report only had enough bedrooms for the house. Glenn will reach out to DES and review. Septic regulations will be reviewed.

The Board addressed the Buildout Analysis. Bob raised the question about a particular property and questioned what kept it from being developed. There was discussion about what is fully constrained by regulations and possibly absolutely constrained as having natural limitations. Glenn noted that aquifer does not constrain from development. Wetlands can completely constrain. There was discussion about aquifer and wetlands. Glenn will review with the RPC to answer questions.

The size of conservation land was questioned regarding the Kensington conservation land versus Granit. Glenn felt that aquifer didn't change buildout ability. The aquifer protection district was discussed.

Vanessa brought up the possibility of the meetings starting at 6:30pm and ending at 9:30pm. This will be announced at two more meetings.

At 9:04pm Justin made a motion to change the start time to 6:30pm. Mike seconded. All voted in favor.

There was discussion by the Board about the abutter notice process. The online process now does not allow applicants to view mailing addresses on Avitar. Vanessa noted that she would like to draft a letter to the Board of Selectmen stating that the Planning Board would like to allow mailing addresses to be shown for ease of abutters notices.

At 9:15pm Vanessa made a motion for her to write a letter to the Board of Selectmen. Mary seconded. All voted in favor.

The Board discussed a cistern easement for 152 Drinkwater Road and recommending the Board of Selectmen sign it.

At 9:17pm Mary made a motion to recommend the Cistern Easement for signature by the Board of Selectmen. Mike seconded. Josh abstained. All voted in favor.

There was discussion about driveway permits.

At 9:22pm Mike made a motion to allow the road agent to approve the driveway permit for Crow's Feat Farm. Josh seconded. All voted in favor.

Mike noted that in the minutes for March 16th that Conservation Commission should be changed to Heritage Commission.

At 9:25pm Vanessa made a motion to approve the minutes of March 16th with edits. Mike seconded. Justin and Josh abstained. Bob, Mary, Mike, and Vanessa voted in favor.

Vanessa suggested that the Master Plan be a running agenda item as old business and that a subcommittee be established, reaching out to members of other commissions and committees to plan a survey. Marty and Justin volunteered to help with the survey as a subcommittee. Mike described how the Master Plan was put together in the past, having a subcommittee with the PB but also reaching out to Heritage Commission and Police and Fire Departments. Vanessa described the survey's purpose as getting an idea of what residents' vision of the town would be.

Glenn noted that the Sawyer Park Trust has been looking to find vendors and asked if there needed to be a site plan. Mike stated the Town is exempt and it was noted there was not change in use. The Trust will be responsible for the utilization of the stand.

At 9:37pm Mike made a motion to adjourn. Mary seconded. All voted in favor.

Respectfully Submitted,

Andy Clarke