

**KENSINGTON, NEW HAMPSHIRE
PLANNING BOARD
Wednesday, September 20, 2023, 6:30 P.M.
At Kensington Town Hall 95 Amesbury Road, Kensington, NH
Meeting – Minutes**

The chair called the meeting to order at 6:31 PM.

J. McLane stated that the Planning Board chair would be a bit late and would act as chair in the interim.

In Attendance: Aaron Fenton, Carly Fenton, Justin McLane (Vice Chair), Bob Solomon (Board of Selectmen), Mary Smith, Marty Silvia, and Glenn Greenwood (Town Planner)

PUBLIC COMMENT:

- Wendy Berry of 24 Amesbury Road expressed concerns about an unapproved accessory dwelling (ADU) unit at 21 Amesbury Road, to which she is an abutter. She stated that both the unapproved ADU and the main house on the property are both being rented, and that the owners of the property are not living there.
- The owners of the property had an application heard by the planning board on June 17, 2023, where they withdrew their application in order to gather more necessary information for the board.
- G. Greenwood stated that since the June 17th meeting, he has spoken to the owner of 21 Amesbury Road twice. He explained that the owners are out of the country for a personal matter, and that they were still planning on getting an ADU permit, but that personal matters were preventing them completing the application.
- W. Berry expressed concerns about other residents of the town going through the correct process to get ADUs approved, while this ADU remains unapproved.
- J. McLane reiterated that the Planning Board does not have enforcement authority, and that that authority rests with the Board of Selectmen. He explained that the owner has the right to rent the main house of the property, but even if the ADU was approved, the owner would need to live in the main house.
- M. Silvia asked if W. Berry had met with the building inspector. B. Solomon stated that the building inspector should be her first stop for enforcement issues.
- J. McLane recommended that W. Berry meet with the building inspector soon to address the issue.
- V. Rozier arrived at 6:42pm. Since V. Rozier was not at the last meeting, she asked that J. McLane retain the duties of the board chair.

NEW BUSINESS

- **Potential Warrant Articles**
 - G. Greenwood stated that he conducted research on condominiums.

- A. Fenton discussed the \$2000 threshold for the requirement to apply for a building permit. He stated that the \$2000 threshold was decided on in the late 1990's, and he thinks that perhaps the threshold should be raised based on inflation, changes in construction costs, etc.
- B. Solomon explained that this issue came up years ago to address residents doing construction work in increments under \$2000 so that they do not have to pull a permit.
- The board discussed the building permit process.
- V. Rozier suggested inviting the town building inspector to the next workshop to help drive the discussion.
- The board further discussed the issue of unapproved ADUs. V. Rozier detailed the process that was discussed when she was on the Select Board regarding processing of fees, penalties for not applying for a permit, etc.
- A question was asked about the Planning Board's enforcement authority. G. Greenwood clarified the duties and responsibilities of the Planning Board, and stated that when it comes to enforcement action, that is the purview of the Board of Selectmen.
- V. Rozier discussed a potential warrant article addressing how ADUs are measured. M. Silvia said that it might be a good thing for the building inspector to address when he attends the next meeting. The board discussed ideas on how ADUs should be measured for square footage.
- V. Rozier suggested assigning a couple of board members to formulate options of how to proceed with the ADU question. G. Greenwood offered to provide examples from the other towns he works with to guide the board. He stated that the board needs to have their zoning proposals in place by the first week of January. C. Fenton stated that she can research the ADU square footage question.
- The board discussed commercial use of solar arrays IRT the zoning ordinance.
- J. McLane stated that he feels that any solar use other than residential should be considered commercial use and would need a decision from the ZBA.

- **Condominium Discussion**

- G. Greenwood presented to the board how Greenland and Ware, NH address condominium development. He stated that the town cannot stop condominium development, and it doesn't help to not have language addressing condominium development in the Zoning Ordinance. He suggested that the Zoning Ordinance language regarding condos should be tied to the town's local density requirements are (i.e. 2 acre minimums for buildable lots.
- J. McLane expressed concerns about not including frontage. G. Greenwood stated that it is easier tie condominium development to lot size rather than frontage.
- G. Greenwood suggested including town counsel in helping to formulate the language for a potential zoning ordinance update addressing condominium development.
- J. McLane expressed concerns with overtaxing roads, schools, etc. with expansive development.
- V. Rozier stated that it brings up a longtime conversation regarding impact fees, etc.
- G. Greenwood stated that the board can provide PR efforts during the public hearings between December and March.

- **2024 Planning and Zoning Budget**

- J. McLane asked if the board would need to vote on the budget. V. Rozier stated that the board will need to determine and vote on the 2024 budget, and make a recommendation to the Board of Selectmen.

- The board discussed the Land Use Administrative Assistant's change in compensation, namely being compensated at \$85 per meeting vs being paid hourly, as hourly pay for planning board and ZBA meetings can require the LUAA to reduce their office hours during the day.
- The board discussed budget line items regarding dues and memberships, legal fees, and application fees.

MOTION: V. Rozier made a motion to maintain the 2023 budget, with the addition of additional part-time wages in the amount of \$2,125. 6 in favor, none opposed, 1 abstention.

UPDATES ON PRIOR BUSINESS:

- **Rules of Procedure Final Review**
 - No changes were made to the Rules of Procedure.

Approve Minutes from September 6, 2023

MOTION: M. Silvia made a motion to approve the September 6, 2023 meeting minutes. A. Fenton seconded. 5 in favor, none opposed, 2 abstentions.

MOTION: M. Sylvia made a motion to amend to add page 2 of the minutes. 5 in favor, none opposed, 2 abstentions.

Next Regular Monthly Meeting:

- **Wednesday, October 4, 2023, at 6:30pm**

Adjournment

MOTION: V. Rozier made a motion to adjourn the meeting. C. Fenton seconded. All in favor, none opposed, no abstentions.

Meeting adjourned at 8:30pm

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

Respectfully Submitted,

Owen M. Corcoran
Land Use Administrative Assistant