

**KENSINGTON, NEW HAMPSHIRE  
KENSINGTON PLANNING BOARD  
WEDNESDAY, May 3, 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, May 3, 2023, at 6:30pm.

**Introduction of Planning Board Members and other meeting participants**

**NEW BUSINESS**

- Vertex Towers- Rosencrantz Tower
  - F. Parisi detailed plans to move the tower 50 feet west to accommodate the landowners use of the rest of the land. The fence is close to the building but the structure is the appropriate distance from the buildings. This is now in the center of the property. G. Greenwood explained that this is an administrative exercise. In many towns the building inspector would have dealt with this modification. J. McLane asked if there are concerns about ice falling from the upper towers. V. Rozier stated that it was not noticed as an administrative change to the site plan. M. Smith stated that this is not affecting any abutters and this change would not affect anyone else. G. Greenwood stated that the board's concerns are of environmental, abutter, or visual impact, no of which are going to occur with this change. C. Fenton asked if this tower required a balloon test, and this one did not. There was no variance required for this application. V. Rozier wanted to know if the board members are comfortable approving this administratively. G. Greenwood advised that in this is a legitimate way to dealing with this request. G. Greenwood suggested the board take a vote so that it is on the record. V. Rozier asked if they can take a vote at a work session of the board. G. Greenwood stated that the board could take a vote since they were discussing a conditionally approved site plan.
  - Motion to administratively approve the adjustment to the Vertex plan as shown on plan dated April 27, 2023 M. Smith, J. McLane seconded, none opposed  
F. Parisi stated that in order to move the tower 50', a NEPA analysis is required to be redone, and that is in process. This tower should be up by the end of the summer.
  - M. Smith asked if it would be appropriate to present findings from the planning board to the applicant that the applicant has not already come up with, namely in support of the project, or would that be biased. G. Greenwood stated that the board can ask anything of the applicant, and that board members can conduct any personal research they wish to conduct. V. Rozier stated that since this question involves the existing Vertex application, she did not feel comfortable discussing the question any further.
  - G. Greenwood stated that any member of the board can talk to him individually at any time about the application.

**WORKSHOP REVIEW:**

- Inquiry on Apartment Rental- V. Rozier stated that there is a potential unapproved accessory dwelling unit (ADU) on Brewer Road. This is an approved before zoning to have family members living there as an ADU at 11 Brewer Rd. V. Rozier stated that she was not sure there

was any reason to discuss it further, as it is an approved ADU that existed before zoning. K. Felch stated that the property in question is located at 21 Amesbury Rd, and that an abutter reported that there appears to be people coming and going frequently, and it appears that they might be renting the property. The previous owner had no kitchen and was using extra rooms. Now there is a kitchen, and the new owner was not aware that they could not do that, but wouldn't say whether it was the previous owner or themselves who installed the kitchen. G. Greenwood stated that presently there is no approval for apartment units, and if they are renting the smaller unit, they are doing it without town approval. J. McClane stated that he understands that this is something that the planning board might have oversight of, and if someone wanted the board to review the issue to determine if the resident is in compliance, they could do that. G. Greenwood stated that it is a code enforcement issue. K. Felch stated that it is known there are short term rentals (e.g. Airbnb) in the area, but there are questions regarding whether that is allowed. G. Greenwood stated that the state has attempted to regulate short term rentals that have not gone forward. V. Rozier stated that she thinks it would be a good idea for the town to regulate short term rentals. G. Greenwood stated that short term rentals are not regulated, it is assumed that it is allowed. K. Felch stated that the fire departments have concerns since they have been called to properties where there appear to be short term rentals.

- V. Rozier suggested that the board get feedback from Dept heads fire, police, and the building inspector, and unless there are strong feelings from the department heads, this might be a good survey item. J. McLane stated that he has dealt with this in Florida HOAs, and trying to regulate them and can be very contentious. If you need to rent it because you have lost your job, it starts to become issues. M. Silvia asked what other towns doing with this. G. Greenwood stated that any town with a hotel industry has been against them. In communities that don't have hotels, there is no pattern. In other communities, the lakes in the summer time for short term rental they should do something about it. J. McLane asked if this item could be addressed at the next workshop. G. Greenwood stated that he will bring some samples of what other communities are doing with short term rental regulation. V. Rozier would not want to make that type of assumption on what people want without doing a survey. V. Rozier stated that in the meantime, the building inspector and fire chief should handle this as a code enforcement issue with the planning board in an advisory role.
- Planning Goals 2023- The sub reg and checklists and they would like to reup the sub committees. 2023 goals: rewriting the site plan regulations, getting the master planning process going, wetland regulations solutions with the conservation commission (CC) on what they feel is the right approach, and potentially looking into solar regulations. She believes that there are existing boiler plate solar regulations at the state level, and it might be a good idea to look at some potential regulations in case they become a nuisance to abutters, and that this would not be to prohibit them, but rather to ensure that solar panels are being constructed in an organized and respectful manner. J. McClane suggested that ground mounted solar panels must meet the general requirements of a building, and that larger than a certain size could be considered a structure and would be subject to the same rules and regulations of a stand-alone structure. V. Rozier stated that with solar panels, there could be the need for a subcommittee to conduct research, etc.
- V. Rozier asked the board if they felt that wetland regulation is something that they think that can address with the CC in 2023, or if they felt that the board should limit their scope for the year to two things. M. Silvia stated that if there are other towns addressing this issue, there must be examples out there. V. Rozier stated that would be part of the research process. G. Greenwood provided the board with a proposed regulation for wetlands and CC was not comfortable with that example. She suggested researching the issue, workshoping with the CC, and presenting it in a warrant article. M. Smith asked G. Greenwood if his other towns have wetland regulations. He stated that two of the towns he works with have used the plans that he presented to the

Planning Board and the CC. J. McClane suggested that there is nothing for the CC to get involved with if development is within the 100' setback from the wetlands, and that if someone wants to build inside the setback, the land owner must take on the additional expense of a functional wetland report. V. Rozier asked if this seems like a worthy cause to try to accomplish in 2023. G. Greenwood stated that the town is well protected with the current ordinance in place. M. Smith asked where most of the wetland encroachment is coming from. V. Rozier stated that she believes that much of the encroachment is coming from tree clearing. V. Rozier suggested not addressing the regulation as a goal and better equip the residents with guides that will help to guide homeowners.

- Master Plan
  - M. Silvia and J. McClane are working on the survey. They have suggested circulating the questionnaire that had been drafted for individuals to comment on. The rough draft is based off the 2011 survey. A few things have been added and removed, and along with comments, can be reviewed and compiled, and sent out as another draft for review. J. McClane stated that he would prefer comments be made on paper drafts, and emailed back for review, and that he and M. Silvia would locate the previous survey for reference.
  - Site Plan Regulations
    - M. Smith and V. Rozier will continue looking at them, going through the regs and referring back to sections that no longer exist.
- Warrant Articles to work on:
  - short term rentals and feedback through the master plan survey process. Draft some language on them so that the question on the survey has some context. (e.g. What concerns do you have about short term rentals, and leave room for comments). G. Greenwood will look into examples in other small communities.
  - Clarifying how an ADU is measured. V. Rozier asked is it outside to outside? How do you want them to be measured? V. Rozier thinks that it warrants further definition as to what constitutes "living area." C. Fenton will look into a course of action of how to handle this.
  - Rules of Procedure for the Planning Board: M. Smith will work on a draft for a public hearing.
- Checklists
  - M. Smith will work with G. Greenwood on checklist review.

#### **UPDATES ON PRIOR BUSINESS:**

#### **OTHER BUSINESS:**

**Next Regular Monthly Meeting: Wednesday, May 17, 2023 at 6:30pm**

**V. Rozier made a motion to adjourn the meeting at 8:09pm, J. McClane seconded.**

Respectfully Submitted,

Owen M. Corcoran  
Land Use Administrative Assistant