

Kensington Town Deliberative Session

February 8, 2023 – 6:45pm

KES - Paul A. Flynn Multi-Purpose Room

**DRAFT**

In attendance: Moderator Harold Bragg, Selectman Joe Pace, Selectman Bob Solomon, Selectman Bob Gustafson, Fire Chief Jon True, Police Chief Scott Cain, Road Agent Matthew Armstrong, Town Clerk Sarah Wiggin and approximately 35 residents.

Harold Bragg opened the meeting at 6:42pm and described the procedures for the Deliberative Session. He explained the Town Vote will be on March 14, 2023. Further detail was noted that there are no citizen petitions on the ballot. It was also noted that the Police Chief and Fire Chief are not town residents and asked that they have permission to speak as non-residents. There were no objections.

**Article 01      Elect Officials**

**To choose all necessary Town Officials for the year ensuing**

There was no discussion on Article 1.

**Article 02      Amend Article IX**

**Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town zoning ordinance as follows:**

**Amend Article IX. Amendments, Conflicts and Penalties, Administration, Severability and Effective Date, section 9.1.4 Enforcement, to read:**

**“The Board of Selectmen, or their agent, shall be responsible for the enforcement of the provisions and conditions of the Town of**

**Kensington Zoning Ordinance and any permits that are granted from the above town land use boards.”**

**There is no tax impact for this article.**

It was noted that Planning Board Articles have already gone through the Public Hearing process and they cannot be debated.

There was no discussion of Article 2. Article 2 will go to the Ballot as presented.

**Article 03      Amend Section 6.1.6C**

**Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Town zoning ordinance as follows:**

**Delete existing language in Article VI Wetlands and Hydric Soils Conservation District, Section 6.1.6.C to be replaced with: “No structure shall be constructed within 100 feet of Hydric A soils.”**

**There is no tax impact for this warrant article.**

There was no discussion of Article 3. Article 3 will go to the Ballot as presented.

**Article 04      Amend Section 6.1.6D**

**Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Town zoning ordinance as follows:**

**Delete existing language in in Article VI Wetlands and Hydric Soils Conservation District, Section 6.1.6.D to be replaced with “No structure shall be constructed within 50 feet of Hydric B soils.”**

**There is no tax impact with this warrant article.**

There was no discussion of Article 4. Article 4 will go to the Ballot as presented.

**Article 05      Amend Section 3.2.3 Accessory Dwelling Units**

**Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the Town zoning ordinance as follows:**

**Delete existing language in Article III Establishment of District and Uses, Section 3.2.3 Accessory Dwelling Units. Paragraph 3.2.3.4.g and replaced with the following:**

**The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.**

**In order to determine if an existing State-approved septic system is properly functioning, the property owner shall have the system inspected by a NH licensed septic inspector and provide a report of the inspection results at the time of application for an accessory dwelling unit.**

**There is no tax impact with this article.**

There was no discussion of Article 5. Article 5 will go to the Ballot as presented.

**Article 06      Replacing existing Article III, Section 3.3C Home Occupations**

**Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board for the Town zoning ordinance as follows:**

**Replace existing Article III Establishment of District and Uses, Section 3.3.C Special Exceptions for Home Occupations with the following:**

**Delete existing section 3.3. C. Special Exceptions for Home Occupations**

**Add new section 3.2.4 Home Occupations**

**1. Home Occupations as defined in this ordinance are permitted in this district subject to the following rules.**

**a) Persons proposing a home occupation under the below conditions shall apply to the**

**Planning Board for a Site Plan Review. The Planning Board has the sole responsibility for determining the degree with which a home occupation will adhere to the requirements of the site plan review regulations.**

**b) Where permitted within a single dwelling unit and only by the person or persons maintaining a dwelling therein who are permanent residents of the Town of Kensington.**

**c) Evidence of use: The home occupation shall not display or create outside the dwelling any evidence of home occupation except a permitted sign not to exceed four (4) square feet in area. (Requires a sign permit)**

**d) Extent of use: The home occupation shall not utilize more than twenty-five (25) percent of the gross floor area (including basement) of the dwelling unit.**

**e) Permitted use: such home occupation use is clearly incidental and secondary to the use of the dwelling unit for residential purposes and that adequate provisions are made for off street parking.**

**f) Any change in the nature of the grounds upon which the original approval was granted, including change of ownership, requires a re-application and a new public hearing for site review before the planning board as provided. (Adopted 03/1994)**

**g) No more than one (1) commercial vehicle may be kept overnight at the premises.**

**h) If the home occupation meets all the standards of this section and creates no external changes, no sign is required and no business-related traffic results from the activity, then no Planning Board review is required.**

**There is no tax impact with this warrant article.**

Mike Schwotzer, 49 Cottage Road, as a member of the Planning Board wished to speak to highlight the importance of this article. He explained that this would simplify the process for a Special Exception needing to go before the Zoning Board as well as the Planning Board as it is currently a 2 step process. He added that if this is to pass, if all the standards are met, that this helps the homeowner as well as the Town.

Fred Feldman, 20 Rose Petal Lane asked if this will impact existing homes and for clarification on section (d). Mr. Schwotzer explained that yes, every home would be covered in this reformatting. Further, that section (d) was a calculation of living space and what would be allowable.

There was no further discussion and Article 6 will go to the Ballot as presented.

#### **Article 07      Operating Budget**

**Shall the Town of Kensington raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$2,464,571 (two million four hundred sixty-four thousand five hundred and seventy-one dollars)? Should this article be defeated, the default budget shall be \$2,327,010 (two million three hundred twenty-seven thousand and ten dollars). The governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.**

**The Board of Selectmen unanimously recommend this article.**

**The proposed operating budget is an increase of \$137,561 from the budget adopted last year of \$2,327,010. The net estimated impact is \$.34 per thousand dollars of valuation. (thirty four cents per thousand dollars of valuation.)**

Joe Pace, Chairman of the Board of Selectmen, offered that the Board was very cognizant of the inflation rates on the town. He added that with these pressures it was also important to retain the knowledge and assets that the town has and work to retain employees. This was a best effort to maintain funding adequate to current operations. A large portion of the budget is allocated to areas like Payroll, Health Insurance, Retirement, Solid Waste and Road Maintenance.

There was no further discussion. Article 7 will go to the Ballot as presented.

**Article 08 Re-Adopt the Optional Veterans' Tax Credit under RSA 72:28,II**

**Shall the Town vote to re-adopt the provisions of RSA 72:28, II, the Optional Veterans' Tax Credit in the amount of \$500.00? If re-adopted, the following individuals will be eligible for the Veteran's Tax Credit: (a) every resident of this state who is a veteran, as defined by RSA 21:50, and who served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in RSA 72:28, V and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, (b) every resident of this state who was terminated from the armed forces because of a service-connected disability; or the surviving spouse of such resident; and (c) the surviving spouse of any resident who suffered a service-connected death. This tax credit shall replace and shall not be in addition to the standard veteran's tax credit and shall be subtracted in accordance with RSA 72:28, III.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is not known.**

Joe Pace, Chairman of the Board, added that the changes made by State Legislature with new language is an important reason why this Article needs to be adopted. The tax impact is not known as there is not yet an understanding of how many of these credits would be granted.

Jim Thompson, 53 Osgood Road, asked what is the difference between this Article and Article 9?

Kathleen Felch, Town Administrator, added that this Article was specific to Veterans who served during a conflict, while Article 9 covers any veteran who served.

Mike Schwotzer, 49 Cottage Road, inquired to ask if there was a rough estimate of how many people this might apply to. Kathleen Felch shared approximately 70 people based on existing documentation. Mr. Schwotzer then added, a safe estimate of \$35,000 would be the impact.

There was no further discussion. Article 8 will go to the Ballot as presented.

**Article 09      Re-Adopt All Veterans' Tax Credit under RSA 72:28-b**

**Shall the Town vote to re-adopt the provisions of RSA 72:28-b, the All Veterans' Tax Credit? If re-adopted, the credit will be available to any resident of the state who is a veteran as defined in RSA 21:50, or the spouse or surviving spouse of any such resident, who (1) served not less than 90 days on active service in the armed forces of the United States and (2) continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from services and (3) is not eligible for or receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$500.00, the same amount as the standard or optional veterans' tax credit voted by the Town under RSA 72:28. This tax credit shall be subtracted in accordance with RSA 72:28-b, III. This article shall be contingent on the passage of Article 8. If the Town Meeting votes "no" on Article 8, this Article shall be null and void.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is not known.**

Moderator Harold Bragg highlighted the clerical correction that the Article should read "contingent on the passage of Article 8". Not Article 4, as was printed. He further added that if Article 8 fails, Article 9 will be null and void.

There was no further discussion. Article 9 will go to the Ballot with the edit as noted.

**Article 10      Road Reconstruction**

**To see if the town will vote to raise and appropriate the sum of \$200,000 (two hundred thousand dollars) for road reconstruction and maintenance of town roads. This will be a non-lapsing appropriation as per RSA 32.7, VI and will not lapse until December 31, 2024. This is in addition to the operating budget article.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is \$0.495 per \$1,000 valuation. (forty-nine point five cents per thousand dollars of valuation)**

Matthew Armstrong, Road Agent, summarized the Article. He stated that the funds would be used to serve Kimball Road, Osgood Road and if funds allowed Cottage Road would receive a layer of Overlayment.

Mike Schwotzer, 49 Cottage Road, added that this article had no tax impact because the \$200,000 amount was consistent from last year.

John Andrews, 14 French's Lane, asked how it was determined which roads would be addressed. Matt clarified; it was largely based on usage. There was a traffic study performed with a car counter that showed the approximate 1000 cars per day on Drinkwater and Wild Pasture Roads. French's Lane is largely only the residents of that neighborhood. Mr. Andrews voiced his concern that French's Lane only has the base coat and it is starting to show signs of wear and deterioration. The Road Agent stated that he would look into that.

Fred Feldman, 20 Rose Petal Lane, asked if all of the \$200,000 from last year was spent. Mr. Armstrong explained that all but about \$11,000 had been spent.

Larry Dorr, 6 Moulton Ridge Road, stated that the wording of the Article sounded like an increase in taxation for those not at Deliberative Session. Joe Pace, Chairman of the Board expressed that the board is aware and frustrated by the requirement of the language, however the decision was to note the tax impact. Moderator Bragg asked if Mr. Dorr would like to propose an edit, Mr. Dorr declined.

Mike Schwotzer, 49 Cottage Road, added a suggestion that because the Article is the same amount as the previous year, perhaps there could be a statement in the body of the article indicating no new tax impact. It was discussed to be taken under advisement by the board.

Fred Feldman, 20 Rose Petal Lane, questioned if the Article were to be turned down, would the budget need to find \$200,000 extra to make up for it, or would the work not be completed. It was further discussed that such work would be delayed if the Article did not pass. This Article falls under a Capital Budget change which requires a warrant article. This is separate from the working budget that would cover smaller jobs of maintenance.

There was no further discussion. Article 10 will go to the Ballot as presented.

**Article 11      Appropriate Funds to Fire and Emergency Services**

**To see if the town will vote to raise and appropriate \$75,000 (seventy five thousand dollars) to be placed in the Fire and Emergency Services Capital Reserve Fund. These funds to be used for the purchase, repair, upgrade, overhaul and/or retrofit of fire vehicles, apparatus, equipment, and related services. This is in addition to the operating budget article.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is \$.185 per \$1,000 valuation. (eighteen point five cents per thousand dollars of valuation)**

Fire Chief Jon True summarized the Article and explained how the cost of Fire Trucks have significantly increased.

There was no further discussion. Article 11 will go to the Ballot as presented.

**Article 12      Evaluation of parcels for town acquisition**

**To see if the town will vote to raise and appropriate up to \$75,000 (seventy five thousand dollars) for the purpose of evaluating parcels for potential town acquisition related to needed new facilities for Public Safety and Emergency Services. This will be a non-lapsing appropriation as per RSA 32.7, VI and will not lapse until December 31, 2024.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is \$.185 per \$1,000 valuation. (eighteen point five cents per thousand dollars of valuation)**

Mike Schwotzer, 49 Cottage Road, asked for explanation of the \$75,000. Joe Pace, Chairman of the Board summarized that the cost would support environmental assessment, deed inquiries, and efforts of due diligence to fully vet any opportunities regarding acquisition of land.

June Hampe, 53 Osgood Road, inquired about Town Parcels of land that might be used. Peter Merrill, inquired about the town parcels that might be appropriate for this proposed use. Joe Pace, Chairman of the Board, added the parcels of town land were not appropriate due to size and otherwise not suitable for such a project.

There was no further discussion. Article 12 will go to the Ballot as presented.

**Article 13 Tuition Reimbursement and Training for Police Department**

**To see if the town will vote to raise and appropriate \$30,000 (thirty thousand dollars) to be placed into the Police Public Safety Revolving Fund. These funds to be used for specialty training, training instructor incentives, tuition reimbursement and educational incentives for Kensington Police Department employees.**

**The board of selectmen unanimously recommend this article.**

**The tax impact of this article is \$ .074 per \$1,000 valuation. (seven point four cents per thousand dollars of valuation)**

Police Chief Cain summarized the article. He explained that the goal of this article is to create a future for Kensington regarding recruitment and retention of officers. This would include but not be limited to Instructor Incentives that will further education of the department. This will allow Kensington to stay competitive which is difficult in the current economic climate. Chairman Pace added that recruitment is difficult and this exercise to improve retention is an investment in the officers who are already here.

There was no further discussion. Article 13 will go to the Ballot as presented.

**Article 14 Appropriate Funds to the Police Public Safety Revolving Fund**

**To see if the town will vote to raise an appropriate \$25,000 (twenty-five thousand dollars) to be placed into the Police Public Safety Revolving Fund for the purchase of police department items and related services.**

**The board of selectmen unanimously recommend this article.**

**The tax impact of this article is \$.062 per \$1000 valuation. (six point two cents per thousand dollars of valuation.)**

Chief Cain summarized the Article. He explained that this was built as a way to address unanticipated costs of investigations. Currently relying on resources from other agencies that need to be reimbursed. Many of the resources necessary have rising costs.

Mike Schwotzer, 49 Cottage Road, asked if the funds through the Cruiser Fund could be used. It was explained that that fund is exclusive to Cruiser expenditures. This proposed fund is a new fund.

There was no further discussion. Article 14 will go to the Ballot as presented.

**Article 15 Grange Hall Maintenance and Repairs**

**To see if the Town will vote to raise and appropriate a sum of up to \$13,000 (thirteen thousand dollars) for maintenance on the Grange Hall. The funds will be used for, but not limited to, structural repairs to**

the roof, painting the remaining exterior elevations, annual maintenance such as pest control, heating system maintenance, and water testing, and any unforeseen repairs as the roof structure is rehabilitated.

The Board of Selectmen unanimously recommend this article.

The tax impact of this article is \$.032 per \$1,000 valuation. (three point two cents per thousand dollars of valuation)

Frank Whittemore, 5 Hobbs Road, summarized the Article as a Grange Trustee.

There was no discussion. Article 15 will go to the Ballot as presented.

**Article 16 Add to Revaluation Capital Reserve Fund**

To see if the Town will vote to raise and appropriate the sum of \$8,000 (eight thousand dollars) to be added to the Revaluation Capital Reserve Fund. This is the first of four annual installments, which will be used to pay the assessor's cost for the State of NH required revaluation due next in 2028. This is in addition to the operating budget article.

The Board of Selectmen unanimously recommend this article.

The tax impact of this article is \$.019 per \$1,000 valuation. (one point nine cents per thousand dollars of valuation)

Chairman Pace explained that every 5 years the town participates in the exercise to re-evaluate properties, to ensure even distribution of taxes. This is to avoid sharp changes in property assessment and relative taxes.

There was no further discussion. Article 16 will go to the Ballot as presented.

**Article 17 Acceptance of Land**

To see if the town will vote to authorize the Select Board to accept two gifts of land, identified as map 17 lot 16 owned by Deborah and Lee Hearn (wetlands within the Great Meadows) consisting of 5 acres, and map 17 lot 23 owned by Peter Kuegel (wetlands within the Great Meadows) consisting of 5 acres. The purpose of the gifts is to ensure the permanent protection of these parcels through conservation which will provide protection of wildlife habitat and scenic enjoyment by the general public.

Further, to raise and appropriate up to \$2,000 (two thousand dollars) to offset the cost of the ownership transfer.

The board of selectmen unanimously recommend this article.

The tax impact of this article is \$.004 per \$1,000 valuation. (zero point four cents per thousand dollars of valuation)

There was no discussion on Article 17. This article will go to the Ballot as presented.

**Article 18 Appropriation to Fire and Emergency Services CRF-earned income**

To see if the Town will vote to raise and appropriate \$1,500 (one thousand five hundred dollars) to be placed in the Fire and Emergency Services Capital Reserve Fund. This amount is to come from Unassigned Fund Balance and represents the total of all permit fees and inspections received by

**Kensington Fire Rescue throughout 2022. These funds will be earmarked for the purchase, repair, upgrade, overhaul and/or retrofit of fire vehicles, apparatus, equipment, and related services. The Board of Selectmen unanimously recommend this article. This article has no tax impact.**

Moderator Bragg noted that there was a necessary edit to reflect the year 2022 instead of 2021.

There was no further discussion of Article 18. This article will go to the Ballot with the correct edit.

**Article 19 Social Services Request for Waypoint**

**To see if the town will vote to raise and appropriate the sum of \$2,100 (Two Thousand One Hundred Dollars) for Waypoint's youth and family support. Waypoint (Previously Richie McFarland Children's Center) provides early intervention programs that serve children from birth to three years of age and their families, services for youth experiencing homelessness, support for families with children with a chronic illness, and family and children programming. This investment will increase family stability, promote socialization in families, enhance child development, and provide concrete support in times of crisis to youth and families in Kensington. This is a special warrant article.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is \$.005 per \$1,000 valuation. (zero point five cents per thousand dollars of valuation)**

Moderator Bragg noted the clerical error 'serves' but should be 'serve'.

There was no further discussion of this article. Article 19 will go to ballot with the correct edit.

**Article 20 Social Services Request for Rockingham Community Action**

**To see if the town will vote to raise and appropriate the sum of \$1,500 (one thousand five hundred dollars) to Rockingham Community Action for the purpose of providing financial assistance, budgeting education & support to Kensington residents in crisis to move them toward self-sufficiency. This is a special warrant article.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is \$.003 per \$1000 valuation. (zero point three cents per thousand dollars of valuation.)**

There was no discussion on Article 20.

**Article 21 Social Services Request for Meals on Wheels**

**To see if the town will vote to raise and appropriate the sum of \$988 (nine hundred eighty-eight dollars) to Meals on Wheels for the purpose of providing meals and safety services to qualified Kensington residents. Our services helped 4 (four) Kensington residents and provided them 892 meals and wellness checks. The town support makes a difference. This is a special warrant article.**

**The Board of Selectmen unanimously recommend this article.**

**The tax impact of this article is \$.002 per \$1000 valuation. (zero point two cents per thousand dollars of valuation.)**

Fred Feldman, 20 Rose Petal Lane, spoke to commend the Board on the ability to serve the town so effectively with such little cost. Chairman Pace added that this was a shared effort by surrounding Towns and the needs expressed by the Meals on Wheels organization.

There was no further discussion on Article 21.

Moderator Bragg reiterated that all Articles will proceed to the Ballot as amended this evening. The March Town Election will occur March 14, 2023 at the Kensington Elementary School. Polls are open from 8am to 7:30pm. The Deliberative Session adjourned at 7:42pm.

Respectfully submitted,

Sarah Wiggin  
Kensington Town Clerk