

**KENSINGTON, NEW HAMPSHIRE  
KENSINGTON PLANNING BOARD  
TUESDAY  
January 17, 2017  
7:00 P.M. AT THE  
KENSINGTON TOWN HALL  
95 Amesbury Road  
Meeting Minutes- Approved 3/21/2017**

In Attendance: Michael Schwotzer; Peter Merrill, Selectmen's Rep.; Bob Solomon; Kate Mignone; Joan Whitney, Vice Chair; Jim Thompson, Chairman; Julie LaBranche, Rockingham Planning Commission Rep.

Others in Attendance: Donna Carter

Jim called the meeting to order at 7:00pm, and read the following to all in attendance.

**PUBLIC HEARINGS:**

**Continuation of Planning Board article:**

1. Proposed amendments to Zoning Ordinance Article II: delete Zoning Ordinance Article II, Section F. Special Exception for "In-Law Apartment" and insert the following new section as Zoning Ordinance Article III, Section 3.2.3 Accessory Dwelling Units.

The board started with the continuation of the Public Hearing from last meeting for the Accessory Dwelling Units. Julie explained the changes to the board.

- Section 4A- language change – describing what attached meant.
- In Home Occupation- that the accessory dwelling unit cannot be used for home occupation.
- The numbers were adjusted.

It was discussed if the board would make the deletion of the In-Law Apartment a separate article, but it was decided that if the article did not pass they would put forth the deletion next year.

**Mike made a motion to move this warrant article to town meeting in March as presented. Kate seconded, all in favor.**

**Kate motioned to close the public hearing, Peter seconded.**

Julie explained that they need to add the recommendation to the article.

**Mike motioned that both of the Planning Board Articles, ADU and Signs, are recommended by the board. Kate seconded, all in favor.**

Jim read the following to all present.

**PUBLIC HEARING:**

Pursuant to NH RSA 674:16, 675:2-5 and 675:7, notice is hereby given of a public hearing to be held by the Kensington Planning Board on Tuesday, JANUARY 17, 2017, beginning at 7:00 p.m. at the Kensington Town Hall, 95 Amesbury Road, Kensington, NH. The purpose of these public hearings is the following:

1. Citizen's petitioned amendments to Zoning Ordinance Article II: delete Zoning Ordinance Article II, Section F. Special Exception for "In-Law Apartment" and insert the following new section as Zoning Ordinance Article III, Section 3.2.3 Accessory Dwelling Units, for units to be detached.

**Mike motioned to open the public hearing, Kate seconded, all in favor.**

Peter asked if the wording for the notice should have been different. He explained that he believes that the units are to be detached as well as attached. Mike stated that the difference is that they maybe detached and the clarification can be made in the motion.

Jim opened the public hearing to the public.

Donna commented that she had expressed that she had been asking for the units to be able to be detached and the board didn't feel the same way, so she submitted this article to let the voters decide.

Jim explained that the feeling of the planning board was to have them attached to keep with the rural character.

Peter explained the purpose as recommended by the state. Excerpt from Senate Bill 146:

IV. There are many important societal benefits associated with the creation of accessory dwelling units, including:

(a) Increasing the supply of affordable housing without the need for more infrastructure or further land development.

(b) Benefits for aging homeowners, single parents, recent college graduates who are saddled with significant student loan debt, caregivers, and disabled persons.

(c) Integrating affordable housing into the community with minimal negative impact.

He explained that the article that the planning board is presenting is in keeping with the rural character of the town and is more in line with what the State was trying to do.

Donna commented that the state left it up to the towns to decide whether the ADU's are to be attached or detached. She explained that integrating the septic for a detached unit was less expensive than building an entire new building. Peter disagreed, that an existing barn having the ADU in it is less expensive. Donna stated that the one she is proposing gives the resident the option to do what is best for them.

Mike stated that the planning board's article is in keeping with not allowing duplexes and two homes on one lot, so that it doesn't appear that there are two residences on the lot. This law is allowing for people to expand with less restrictions, but the board wants it to look as if it is one dwelling. The board did research and does not want them detached. Kate explained that it was decided based on the rural nature wanted due to the Master Plan discussions.

**Mike motioned that the Planning Board does not recommend the Citizen's Petition of zoning Article III, of the ADU's. Kate seconded, all in favor.**

Donna asked what would happen if they both pass, and it was explained that it would go to legal for their review. Mike is concerned that they both don't pass, then the state RSA 674:71-73 would rule.

**Kate made a motion to close the public hearing, Peter seconded, all in favor.**

Jim read the following to all in attendance.

2. Citizen's Petitioned Warrant article to amend the existing Commercial District to further contain a portion of Map 3 Lot 9, 1 Old Amesbury Road, which abuts the existing district.

**Mike motioned to open the public hearing, Kate seconded, all in favor.**

Jim commented that the whole commercial redistricting was to keep all the commercial lots either all commercial or all residential. Kate strongly disagrees with this article. Mike explained that the article is a result of the ZBA hearing, where they asked for a special exception on this property, which was denied by the zoning board. He believes that the abutting property, map 3 lot 10, is very low and has evidence of wetlands and it is also well within the Aquifer Protection District. He stated that there was also strong opposition from the abutters.

Bob Solomon entered the meeting at 7:26pm.

Kate explained that they rezoned the commercial district area a few years ago, and those in the district were given the chance to opt out of the district. Peter is concerned with the wording in the article and that it is not descriptive enough.

Donna explained that back in 2012 the board stated that within a year they would look into expanding the commercial district because there was interest in lots becoming Commercial that abut the current zone, but that was not done.

There is one lot that is still partial commercial and residential/agricultural. Mike explained that they redid the commercial because they wanted to define the commercial zone by map and lot and not have partial lots. Joan explained that you have the option to approach the board at any time to ask to have your lot within the commercial zone.

Discussion continued.

**Mike made a motion that the Planning Board would not recommend the commercial district article for map 3 lot 9, Kate seconded, all in favor.**

**Mike made a motion to close the public hearing, Peter seconded, all in favor.**

Kathy updated the board that she had forwarded along the Lambert 6-lot subdivision information and the plans to the School Board Members. She also got a call from a member of the board looking for a response to the letter addressed to the Planning Board. They are concerned because they were not notified by mail about the subdivision. Jim asked who the owner of the property is. The current owner of the property is listed as the Town of Kensington. There is an agreement that lists that the Historical Society and the School District as the stewards of the property, but it is not a deed. If there is a deed, the property records will need to be updated.

Peter reminded the board that a member of the historical committee did have knowledge of the project because they submitted comments about the cemetery. Julie explained that the appeal period has passed for this project.

The board expressed that they would like them to attend the next meeting, where they could discuss the drainage and explain the calculations, and to also explain the process. Kathy will get in touch with them to extend the invitation for the February meeting.

Kathy asked the board about the easement wording for the Lambert Subdivision. She asked the board where the easement is. Julie explained that it goes across a corner of lot 39, then along lot 5 and across lot 6. The easement is from the right of way for when the culvert comes out of the road all the way around lot 39. Peter expressed that there has been discussion about routing the culvert a different way and also changing the culvert on lot 6. Julie explained the plan is for the pipe to angle to the left. Kate would like the plan to accompany the easement. Julie asked if the lot 39 easements should be included on this easement or a separate one, and if the town needs to sign off on the easement as well. Peter expressed the Dennis, Bob and David have walked the property recently and Peter will touch base with them to see the determinations they made.

The berm will be put in because the Town cannot spend the funds to do that project now. The easement will still need to be done even if the piping does not get done, because there will be a drainage swale that the town will need to maintain. Julie will review all the information and touch base with Dennis Quintal and town legal.

Mr. Farley submitted a lot merger for Map 3, Lot 4 and Map 6 Lot 26. The board reviewed and was confused by the map and lot numbers. It was determined that one of the lots was in South Hampton, so a lot merger would have to be done in South Hampton as well. The board denied the application and asked that Mr. Farley attend the next meeting, as well as submitting a lot merger to South Hampton.

**Mike motioned for the application to be revised and resubmitted next meeting, Kate seconded, all in favor.**

**OTHER BUSINESS:**

Mike volunteered to be the spokesperson for planning board at the deliberative session.

Julie passed out flyers for the deliberative session that she had created for the board that goes over the changes and the difference between all the planning board articles submitted. There were some changes suggested and Julie will work on them and get them to the board by the deliberative session.

Julie explained the letter from the Town of Seabrook about the aquifer protection. It is basically just a best managements practices handout for all residents and businesses over the aquifers in abutting towns. Julie is currently working with them on a Groundwater Reclassification Project and PCS site inspections. Peter asked how that affects the shooting range near the water treatment plant, and Julie thought that they had stopped that activity. Julie stated that she would like to meet with the Board of Selectmen to show them the program and that they are looking for annual inspections to be done in Kensington, which should only take a day to do.

Kathy will put her on the agenda with the Board of Selectmen for their next meeting on February 6<sup>th</sup> at 6:30pm.

Mike had an adjustment for the December minutes to strike the word strickely and replace with strickly. Mike motioned to approve the minutes with the change of the wording, Peter seconded, all in favor.

**Next Meeting –February 21, 2017**

Bob made a motion to adjourn at 8:30pm, seconded by Kate, all in favor.

Respectfully Submitted,

Kathleen T Felch  
Planning Board Clerk