

1 KENSINGTON, NEW HAMPSHIRE  
2 KENSINGTON PLANNING BOARD  
3 WEDNESDAY, December 21, 2022 6:30 P.M.  
4 At Kensington Town Hall 95 Amesbury Road, Kensington,  
5 NH Meeting Minutes- AMENDED AND APPROVED  
6 1/18/2023

7 In attendance: Vanessa Rozier, Chairwoman, Glenn Greenwood, Planner, Mary Smith,  
8 Robert Solomon, Marty Silvia, Mike Schwotzer  
9

10 **PUBLIC HEARINGS:**

11 V. Rozier opened the meeting.  
12

- 13 1. Arthur Bonnevie with a physical location of 10 French's Lane, Kensington, NH  
14 further identified as Map 11 Lot 40-8 have submitted a Conditional Use Permit  
15 Application for an Accessory Dwelling Unit in accordance with Article III,  
16 Section 3.2.3 of the Zoning Ordinance for the Town of Kensington. **Requested**  
17 **Continuation until January 18, 2023 Meeting The ADU was continued until**  
18 **the January meeting at the request of the applicants, a second certified**  
19 **mailing will be done to all abutters.**  
20  
21

22 VI. Rozier noted that the home occupation would not be accepted tonight and will  
23 it will be on the next agenda. The following will be amended.  
24

- 25 2. Public Hearing to hear the following amendments of the Zoning Ordinance:  
26 Amend Section 9.1.4, , Replace Section 6.1.6.D, Replace Section 3.2.3.4.g,  
27 Replace Home Occupation CUP. Copies of proposed wording can be requested  
28 prior to meeting time.  
29

30 VII. Schwotzer motioned to open the public hearing to Amend Section 9.1.4,  
31 Replace Section 6.1.6.C, Replace Section 6.1.6.D, Replace Section 3.2.3.4.g,  
32 seconded by M. Silvia, all in favor.  
33

34 V. Rozier explained that the amendments were all discussed previously.

35 M. Schwotzer stated that all the amendments were outlined in the previous  
36 meetings minutes. M. Schwotzer read from the minutes of last meeting which  
37 follow:

38 *Amend section 9.1.4 to read: "The Board of Selectmen, or their agent, shall be*  
39 *responsible for the enforcement of the provisions and conditions of the Town of*

40 *Kensington Zoning Ordinance and any permits that are granted from the above town*  
41 *land use boards.” He explained that the change is “or their agent” was the change.*  
42

43 *Delete existing language in Section 6.1.6.C to be replaced with: “No structure shall be*  
44 *constructed within 100 feet of Hydric A soils.”*  
45

46 *Delete existing language in Section 6.1.6.D to be replaced with “No structure shall be*  
47 *constructed within 50 feet of Hydric B soils.”*  
48

49 *Delete existing language in Section 3.2.3.4.g and replaced with the following: The*  
50 *applicant for a permit to construct an accessory dwelling unit shall make adequate*  
51 *provisions for water supply and sewage disposal for the accessory dwelling unit in*  
52 *accordance with RSA 485-A:38, but separate systems shall not be required for the*  
53 *principal and accessory dwelling units. In order to comply with this paragraph and prior*  
54 *to constructing an accessory dwelling unit, an application for approval for a sewage*  
55 *disposal system shall be submitted in accordance with RSA 485-A as applicable. The*  
56 *approved sewage disposal system shall be installed if the existing system has not received*  
57 *construction approval and approval to operate under current rules or predecessor rules,*  
58 *or the system fails or otherwise needs to be repaired or replaced.*

59 *In order to determine if an existing State-approved septic system is properly functioning,*  
60 *the property owner shall have the system inspected by a NH licensed septic inspector and*  
61 *provide a report of the inspection results at the time of application for an accessory*  
62 *dwelling unit. He explained that the change was in reference to the septic designs in the*  
63 *ADU and is per state RSA. The change is the following “an application for approval for*  
64 *a sewage disposal system shall be submitted in accordance with RSA 485-A as*  
65 *applicable”*  
66

67 V. Rozier asked if the board had any adjustments to these changes, and G. Greenwood  
68 added that there needed to be a motion for each section to be send each amendment  
69 individually to town meeting vote.  
70

71 **Motion made by M. Schwotzer to amend Section 9.1.4 as presented and move**  
72 **to the annual meeting for the vote, seconded by M. Silvia, all in favor.**  
73

74 **Motion made by M. Schwotzer to Replace Section 6.1.6.C as presented in last**  
75 **meeting minutes and move to the annual meeting for the vote, seconded by M.**  
76 **Silvia all in favor.**  
77

78 **Motion made by M. Schwotzer to replace Section 6.1.6.D, as presented at the**  
79 **last meeting and in the meeting minutes from the last meeting and to move to**  
80 **the annual meeting for the vote, seconded by M. Silvia, all in favor.**  
81

82 **Motion made by M. Schwotzer to replace Section 3.2.3.4. g, with the presented**  
83 **language and to move to the annual meeting for the vote, seconded by M.**  
84 **Silvia, all in favor.**

85  
86 **Motion to close the public hearing made by M. Schwotzer, seconded by M.**  
87 **Silvia all in favor.**

88  
89 V. Rozier read the following.

- 90 3. Public Hearing in accordance with NH RSA 675:6 and NH RSA 675:7 to adopt  
91 newly created Subdivision regulations.

92  
93 **Motion to open the public hearing made by M. Schwotzer in accordance with**  
94 **NH RSA 675:6 and NH RSA 675:7 to adopt newly created Subdivision**  
95 **regulations**  
96 **seconded by M. Silvia, all in favor.**

97  
98 V. Rozier thanked M. Smith for working on this for the past year. This change is  
99 mostly a reorganization of the subdivision regulations for the board to have a  
100 usable working document with some minor changes to some sections to make the  
101 subdivision realistic. She asked if there was anyone that wanted to go through the  
102 changes.

103  
104 M. Schwotzer recommended that if there was not anyone in the public or board  
105 that wanted to review these, he would not recommend a point-by-point review.  
106 **M. Smith made a Motion to adopt the newly created regulations on December**  
107 **21, 2022, seconded by M. Silvia, all in favor.**

108  
109 **Motion made to close the hearing by V. Rozier to close the hearing, seconded**  
110 **by M. Smith, all in favor.**

111  
112 **NEW BUSINESS**

113  
114 The board discussed the Special Exception for Home Occupations. The changes were  
115 sent to the board by G. Greenwood for their review. G. Greenwood explained that this  
116 change is not presented as a Conditional use permit due to the fact that a Conditional use  
117 permit would go straight to Superior Court instead of the zoning board of adjustment for  
118 an appeal. He believes that is a cumbersome process for this type of use, and that the  
119 board must be comfortable with either process. M. Schwotzer is looking for a form of  
120 approval by the board for this process other than the minutes of the meeting.

121 G. Greenwood explained that the applicant will still need to go to the planning board for  
122 a site plan review only, and not go before the zoning board of adjustment for the special

123 exception approval. Under the current ordinance the applicants have a two-step process.  
124 The board is looking to delete the section stating that they need to appear before two  
125 town boards, this amended section will streamline the application process and contain the  
126 approval within one board.

127 V. Rozier would like to see a modified procedure within the site plan regulations that is  
128 for home occupations. The site plan review will not be transferred with ownership of the  
129 property. Any new owners would have to come before the board for the site plan review  
130 process. The board adjusted the proposed language and formatting.

131

132 **M. Schwotzer made a motion that the board send the adjustments to the Home**  
133 **Occupation to public hearing in January as discussed and adjusted at this meeting,**  
134 **seconded by M. Silvia, all in favor.**

135

136 **UPDATES ON PRIOR BUSINESS:**

137

138 **Master Plan Survey-skip for tonight**

139

140 V. Rozier expressed that she is hoping that a majority of the members will attend the  
141 January meeting so that they can discuss what they want to address in 2023.

142

143 **OTHER BUSINESS:**

- 144 • **Approve Minutes from November 16, 2022, Meeting**

145 **M. Schwotzer made a motion to approve the minutes of November 16, 2022 as**  
146 **presented, seconded by M. Silvia, all in favor.**

147

148 There is a new application for the tower and V. Rozier asked about the joint meeting  
149 proposed. There will be an approval by both the zoning board and the planning board.  
150 The joint meeting will be scheduled for the February 15<sup>th</sup> meeting of the planning board.

151

152 **Next Regular Monthly Meeting: Wednesday, January 18<sup>th</sup>, 2023, at 6:30pm.**

153

154 **V. Rozier made a motion to close the meeting at 7:25pm, M. Smith seconded all in**  
155 **favor.**

156

157 Respectfully submitted,

158

159 Kathleen T Felch