

KENSINGTON PLANNING BOARD  
THURSDAY JANUARY 11, 2018  
SPECIAL MEETING MINUTES  
APPROVED 1-16-2018

In attendance: Bob Solomon, Chair, Bob Wadleigh, Selectmen's Representative, Jim Thompson, Chris Chetsas, Bob Fee and Julie LaBranche, Rockingham Planning Commission Representative.

See attached list of residents in attendance.

7:01 p.m. Chairman Solomon called the special meeting to order. This was a Public Hearing with a single issue agenda to review the Petition for Amendment to the Zoning Ordinance, Section 3.2.3 Accessory Dwelling Units. (Copy of petition attached.) Chairman Solomon explained that the wording of the petition cannot be changed. The purpose of the meeting is to listen to input from residents and then for the Planning Board members to decide whether or not to support the petition. That decision will be added at the end of the petition on the warrant and then the voters will determine the outcome.

Mr. Thompson made a motion to open the Public Hearing. It was seconded by Mr. Wadleigh and passed unanimously. Chairman Solomon introduced board members and explained that Mr. Fee is an alternate and would not be voting. Chairman Solomon read aloud the petition as written and then invited Donna Carter to speak. Ms. Carter explained the history of the current amendment which had been in response to the new State law requiring that Accessory Dwelling Units (ADU's) be allowed. The law requires approval of attached units but states that towns may also allow detached units. At last year's Town Meeting there were two versions of an amendment – one allowing attached units and one allowing both attached and detached units. With 552 votes cast, the detached version lost by only 84 votes even with the Planning Board not recommending it. Ms. Carter also stated that any proposal for a new unit must have an approved septic that will handle the additional bedrooms.

Dottie Milbury asked the Board what their objection was to allowing detached units. Chairman Solomon stated that, while not being able to speak for last year's Board as a whole, the general feeling was to start slow, see how things go, learn from the experience and then revisit the detached units at a later date. Agreeing with Ms. Milbury, he said that new improvements would have the potential of raising additional tax money for the Town.

Mr. Thompson stated that many years ago a Town census asked what the Town should look like. The largest response was to keep the rural character of the Town. The Planning Board felt that single family housing is the way to keep that character.

Ms. LaBranche stated that only Chairman Solomon and Mr. Thompson were on last year's Planning Board. One of the discussion points at that time was the potential for doubling the Town's density which would make the Town look very different.

Many residents spoke in favor of the amendment. One comment stated more than once, was that allowing these units would help the elderly stay in their homes and young people starting out to stay in Kensington. Buying a new home in Kensington is becoming more and more expensive.

Chairman Solomon stated that only one ADU had been approved during the year. Brenda Rand asked why it had to be approved since detached ADU's were allowed. Ms. LaBranche explained that the approval is for a conditional use permit. The plans for the building itself still need to be approved.

Steve Silvestri asked what the allowed square footage was in the State law. Ms. LaBranche responded that it states the size cannot be less than 700 square feet. The Planning Board decision to allow no more than 900 square feet was to attempt to make the new unit more aesthetically pleasing. There were builders on the Board at that time who agreed that this was a reasonable size and would ensure that the new unit would appear subordinate (since it is an accessory unit) to the primary residence.

Dan Davis brought up the apparent unfairness of the existing ordinance. People of financial means may have an advantage with the current wording.

Chairman Solomon agrees that the current ordinance may not completely achieve what the state intended. The question is how to go forward. He is concerned with the ambiguity of the structure of this petition. Ms. LaBranche agreed that it was written as a concept not an amendment. It would be difficult to translate the wording into an ordinance. If approved, the Town may have to get a legal opinion on whether the questionable structure of the petition can be enforced.

Chairman Solomon asked if Board members had any additional input. Mr. Thompson personally feels we should stay with the current wording unless something can be written to allow additions only to existing structures. As the petition is written it also allows new structures to be built.

Chairman Solomon and Ms. LaBranche questioned whether or not it would be legal to limit detached units only to existing structures.

Mr. Fee thinks the idea of assisting the elderly is a good one. However, if we allow additional structures we may be opening up potential Airbnb situations. We need to think about ways to control those possibilities.

Mr. Chetsas stated that looking back on the Zoning Ordinance, minimum lot size has gone from one acre in 1994-5, to 2 acres. This seems to imply that residents do want to keep the Town from being too built up which would support moving slowly on this issue.

Peter Kuegel and Pat Bonnevie explained to the Board that the residents who came to the meeting to support the petition just want the Board to recommend the petition and then let the voters decide the outcome.

As the petition was first presented at the November Planning Board meeting, it was late in the year to start a discussion. There was only one Planning Board meeting left before the deadline for new language to be presented at a public hearing. Chairman Solomon agreed that a discussion on this issue should have begun by the Board earlier in the year, but they got bogged down with the development on Osgood Road and ran out of time.

Ms. LaBranche reminded everyone that tonight the Board could vote to recommend the petition, not recommend it or to do nothing.

Mr. Thompson made a motion to not recommend the petition. Motion was seconded by Mr. Chetsas and passed unanimously.

7:55p.m. Mr. Thompson made a motion to close the public hearing, seconded by Mr. Wadleigh and passed unanimously.

Ms. LaBranche suggested that after the voting in March, this issue be put on the Planning Board agenda for further discussion.

8:00p.m. Mr. Thompson made a motion to adjourn, seconded by Mr. Chetsas and passed unanimously.

Respectfully submitted,

Mary Smith

APPROVED