

1 TOWN OF KENSINGTON  
2 BOARD OF SELECTMEN MEETING  
3 Kensington Town Hall  
4 95 Amesbury Road  
5 Kensington, NH 03833  
6 MONDAY  
7 JANUARY 8, 2024  
8 Meeting Minutes- Draft  
9 6:30 PM

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11 **In Attendance: Joseph Pace, Robert Solomon, Robert Gustafson**

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13 J. Pace called the meeting to order at 6:31pm and lead the room in the pledge of allegiance.  
14 Public in attendance: approximately 15

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16 **Public Comment**

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- 18 • M. Gross wanted to thank M. Armstrong for the condition of the roads in town and for the people who plow the roads with keeping up with the storm.
  - 19 • S. Heal asked if Bell and Flynn plowed for the town and M. Armstrong answered that they plow for Exeter and were probably just turning around.
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22 • **KENSINGTON CENTER HISTORIC DISTRICT-LETTER- DISCUSSION**

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- 24 ○ J. Pace asked a representative from the Heritage Commission to comment on the letter received from the NH Division of Historical Resources in Concord, NH.
  - 25 ○ L. Monroe addressed the public and the board. She gave a brief history of her relationship with Kensington. She explained that this is a nomination to the National Register of Historic Places for a "Kensington Center Historic District". The application is in the review process with the state at this time. She was shocked that the letters had been sent. She pointed out that Exeter has 2 historic districts and they are awesome and have a local historic district that regulates them. There is not a local historic commission at this time in Kensington. They would be the group that would oversee changes and implement regulations. She indicated that people can still demo the buildings if they want to there is no regulation on that but the Heritage Commission would probably ask you to reconsider. This designation is an honor to be part of and it is to appreciate the significance of the buildings identified. It might help to be eligible for grants. She doesn't see a negative on this at this time, there is no restrictions at this time.
  - 31 ○ M. Gross explained that when a building or resource is listed on the national resources if there is a project like if DOT wants to put a road through your property it will trigger a federal review. L. Monroe clarified that even if the property is not listed they still have to pay consultants to create something like this to see if the area is eligible. It is quicker if it is already done. There also might be a misunderstanding about tax credits and they are not for residential homes, they have to be non-owner occupied, income producing and contributing to the register.
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- 44 ○ J. Pace asked what this means, and it looks like it is an honor which doesn't carry any  
45 regulatory weight with it and is cosmetic essentially. He served for 8 years in Exeter and  
46 they do have a zoning overlay district there and within that district before work could be  
47 done on a property and before the building inspectors' approval the Historic District  
48 Commission would have the opportunity to approve or deny the project. If you have a  
49 wood clapboard building and wanted to replace it with vinyl the Historic District  
50 Commission would have to approve or not approve that construction first. This is a formal  
51 approval process. To his understanding, a formal historic district commission would have  
52 to be approved by the voters at a town meeting, and there is nothing on the horizon like  
53 that proposed at this time. This worked well for Exeter and they worked well with the  
54 property owners, but there are some of these historic district commissions that don't  
55 work well with the property owners. He just wanted it to be clear that a Historic District  
56 Commission is not what they are talking about here. L. Monroe confirmed that they are  
57 not proposing that.
- 58 ○ J. Pace continued that his second question is that he appreciates all the work that the  
59 Heritage Commission is doing but before this is moved to the federal government, he  
60 presumes that there will be an opportunity for the board to review this application and  
61 sign off on it as well. The board was surprised by the letters as well, and were unaware  
62 of this project. The town is a property owner in this district as well. He would like some  
63 reassurance from the Heritage Commission that the board will be a part of the process  
64 because the board is the representative of the parcels within the district. Heritage  
65 Commission members were in favor of working with the board on this. When he saw the  
66 application he was surprised that there was no place for the board to comment or sign  
67 off on the application. J. Pace continued that the Heritage Commission was approved by  
68 the voters and is advisory in nature. In a process standpoint where are we now? L.  
69 Monroe stated that she will talk to the state in the morning and it still has to go to the  
70 State Review Board which it has not done yet. J. Pace would ask that this board have an  
71 opportunity to sign off and review anything before it is sent out to a state or federal  
72 agency for approval. L. Monroe asked if the board is willing to decide on that quickly. She  
73 has copies for the board to review, and if the decision is not made soon it will hold it off  
74 another 5 months. J. Pace is looking for the opportunity to look at the application and for  
75 people in the proposed district to have an opportunity to review it as well. J. Pace stated  
76 that he is hoping that the state will not just send this off to the federal government  
77 without the town knowing about it.
- 78 L. Monroe stated that unfortunately there was not a procedure in place. She is surprised  
79 that the letters went out as well. J. Pace would have liked to have the landowners have  
80 an opportunity to review this and have open meetings about this before it got to this  
81 point. B. Solomon would like to know what relationship this has to the Charrette, he is  
82 wondering if people are confused about this in relation to the Charrette. L. Monroe stated  
83 that this is a direct response from the Charrette, and this was recommended to be part  
84 of it. B. Solomon asked if the town is likely to get pressure from any of the state or federal  
85 boards to create a Historic District Commission. L. Monroe stated absolutely not.

86 M. Gross and that was one of the questions that she had about the town having a local  
87 Historic District Commission and it was concluded from the discussions that was not the  
88 case. L. Monroe interjected that not unless people start lobbying for it.

89 J. Pace stated that in his experience the local historic district at the local level are most  
90 useful when you have a significant downtown or retail aspect and that is not the case here  
91 and not the fit for this town. L. Monroe stated that does not mean that they are not open  
92 to that idea.

93 J. Pace would like to have the approval of this application on the January 22, 2024 meeting  
94 agenda of the board. J. Pace opened the floor to the others in attendance to see if they  
95 have any questions.

96 • S. Heal- Osgood Road and President of the Fire Association. He commented that in 5  
97 months there might be another decision to list properties, it was clarified that if the  
98 board doesn't make a decision, it will be another 5 months. Where they have only 3  
99 weeks to decide if they want to be a part of this or not, he would like the board to  
100 hold off on any decisions, and work with the Heritage Commission. He could call an  
101 emergency meeting before that but doesn't really want to and he would like to  
102 suggest we wait 5 months.

103 • J. Pennell-Amesbury Road-She is very aware of the process and if you are not getting  
104 a grant then they do not really limit you on the changes you make to your property.  
105 If the town does not have a Historic Commission and 5 years down the road it is  
106 decided that we should have one is that something that is voted in so that the whole  
107 Town of Kensington will get a say in that? L. Monroe stated that yes that would have  
108 to go to town meeting to establish the Historic District Commission.

109 • G. Greenwood stated that he would like a copy of this. He thinks that there is some  
110 confusion, and this is simply to place the properties on the historic registry and that  
111 is it. It does not require local purview and does not require local approval. It is a  
112 statement that there is a value of historically relevant properties in the town of  
113 Kensington. There is no reason to get offended, there is no downside to being  
114 acknowledged to be part of a historic district. If the town decides to do the local  
115 Historic District, then that is another thing entirely. These can be a challenge from  
116 his perspective. They are talking about an acknowledgment of a historic nature and  
117 there is no downside to this. This does not regulate anything. He encourages  
118 everyone to not impede the process. It is a remarkable undertaking, and he is happy  
119 that his property is located within it. J. Pace agrees with him, and it is natural for  
120 people to have some clarity about what all this means. He believes that this is a good  
121 thing, and he is charged with keeping things above reproach. J. Pace asked how many  
122 people in the audience got the letters and it was most if not all of them. He just  
123 wanted to make sure that a majority of the landowners were in attendance. He is  
124 hearing that people have a better level of understanding of what this means. What  
125 he would like to do is put this on the agenda for the meeting on the 22<sup>nd</sup>. L. Monroe  
126 has brought a copy of the application for those in attendance tonight who want it.  
127 She has 10 copies for the public and 3 to share with the board members. There will  
128 also be some on display at the library.

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- K. Cohen stated that generally this sounds pretty positive. There are a lot of historic homes in Kensington, what would they do? L. Monroe stated that they would have to do the application and submit it to be on the National Register. M. Gross stated that she is in attendance in support of this. J. Pace stated that if there is something in the report that anyone wants to dispute they should reach out to L. Monroe. J. Pace thanked the Commission for the work on this and for responding to the questions online.
  - J. Pace closed the public comment segment of the meeting.

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- **Septic Waiver Request:**

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**J. Pace convened the Board of Health to hear the waiver request for 4 Stumpfield Road.**

140 Waiver request for the failed septic system at 4 Stumpfield Rd, Kensington, NH to be replaced in  
141 its existing location. Relief would be needed for the following:

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- Zoning [7.1.D.3.a.vi](#) - 4ft minimum separation distance from bed bottom to estimated seasonal high water table
  - 7.1.D.3.b - No component shall be less than 35 feet to a property line
  - Jason Robidoux, Septic Designer for Septic Designs of NH is presenting the request on behalf of the landowners at 4 Stumpfield Road who have a failed septic system and he is looking to get 2 waivers to replace the system in the same area. The town has a regulation that you have to be 4 feet and they are looking to make it 3 feet, still staying within the state requirements of 2 feet. This area will also keep them from having a pump system for the septic and having to truck in fill. This area maximizes the distance from the pond as well. J. Pace stated that this is going back in the same spot, and the septic could have been there before the zoning. J. Robidoux stated that there was some construction in 2002 but he does not have the septic plan for the current system. The house was built in 1990 and K. Felch will look through the property file for the septic design. J. Pace stated that when the board meets as the Board of Health for these applications, they have 3 criteria that need to be met.

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1. Such waivers will not jeopardize public health.
  2. Such waiver will comply substantially with the provisions contained herein.
  3. Such waiver is the choice of last resort of an applicant.

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- K. Felch showed the board the existing septic design from the property card file. They are looking to not add substantial cost to the homeowner. J. Pace explained that by working with other properties in town they need to establish that there is nowhere else for the system to be placed on the property and they have established that. This has not jeopardized health for the last 35 years. This ordinance is mostly for new construction, and he can't see where there is any reason to not approve it. B. Gustafson asked how the system failed. J. Robidoux and when they inspected with the RCCD representative there was black contamination and there might have been some backup issues. G. Rignoli asked how the test pit made out. J. Robidoux stated that the test pit was not good it had a deep-water table in the area and the soils were not ideal. G. Rignoli sees no issues with the system being in the same area. K Felch stated that for clarity they need the waiver for section c, not b. J. Pace stated that there is a letter from the Town Administrator that the waiver is approved if the board

174 B. Solomon asked for more detail about the setback from the road. It is about 25 feet  
175 from the road instead of the 35 feet. J. Pace asked if the 35-foot setback was in place  
176 before this was constructed but would take some work to figure out when this was  
177 adopted. K. Felch explained that the septic is right in front of the house and it is not  
178 encroaching a neighbor only the roadway. The applicant continued that there are no state  
179 regulations for being close to the roadway, the town does have 35 feet from the roadway.  
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181 **B. Solomon made a motion to approve the waiver requests for the below.**

182 ○ **Zoning [7.1.D.3.a.vi](#) - 4ft minimum separation distance from bed bottom to**  
183 **estimated seasonal high water table**

184 ○ **7.1.D.3.b - No component shall be less than 35 feet to a property line**

185 **Seconded by B. Gustafson, all in favor.**

186 The board closed the Board of Health section and reconvened as the Board of Selectmen.

187 **AGENDA:**

188 **DEPARTMENT HEADS:**

189 • Police Department –Chief Scott Cain – nothing to report

190 ○ S. Heal wanted to go back and ask the PD and asked where the cruisers were.

191 ○ Multiple questions were asked about the vehicles.

192 ○ S. Cain stated th department is down 2 vehicles and the vehicles that we have now are  
193 breaking down and have tons of miles on them. The goal is to buy one car a year, but with  
194 the issues with ordering they all arrived in one year. The cars that we do have are breaking  
195 down and unsafe for the officers. The department is waiting on 2 more that are being  
196 outfitted and should be finished soon. Parts are an issue in outfitting the vehicles.

197 ○ J. Pace explained that the Chief has worked with the board to develop a fleet plan that  
198 works with the patrol plan and maximizes the life of the vehicles that we have, and this is  
199 what they have identified as appropriate for right now.

200 What the board will be doing is always looking at the public safety of the town, and  
201 evaluating what the appropriate level of safety is.

202 ○ There was further conversation on the vehicles and if they are for the patrols or details and  
203 the board has worked with the chief and has no problem with how the department is being  
204 run. The outfitting of the vehicles is paid out of the Special Detail Revolving Fund so it does  
205 not cost the taxpayers. Continued discussions on the detail fees and if they should be  
206 adjusted to have more money charged for the cruisers to pay for all cruiser costs.

207 Any further questions will be submitted to the town for further discussion.  
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209 • Fire Department – Chief Jon True -

210 ○ reported that the last 30 days have been extremely busy and they finished out the year  
211 with 238 calls.

212 ○ J. Pace asked if the chief got the notice from Until about emergency response, and he did.

213 • Emergency Management - Chief Jon True –

214 ○ There is a rainstorm coming and it is recommended to remove the first few feet of snow from  
215 roofs.

- 216 ○ J. Pace asked if we could get ahead on any of the problem roadways, and M. Armstrong is
- 217 aware of where they are and ready.
- 218 • Road Manager – Matthew Armstrong-
- 219 ○ Reported that there was a major winter storm yesterday that dropped 14 inches of snow in
- 220 town. It took over 24 hours to mitigate and around \$12,000 in funds.
- 221 ○ J. Pace looked at last year’s winter maintenance. He stated that there is \$132,500 budgeted
- 222 for 2024 and thanked him for his work on keeping the roadways clean.
- 223 ○ Thompson Osgood Road- reported that this resident reached out and had water draining
- 224 into his driveway and around his home with the December 18 rainstorm. Due to the high
- 225 rain amounts of that storm and the way the road is designed for open drainage, there is
- 226 nothing that the town can do about this issue. Hopefully, the town will not have another
- 227 event like that. This was unable to be fixed due to the open drainage, if it is fixed then the
- 228 entire roadway would need to be refigured.
- 229 ○ S. Heal stated that since the second culvert was put in on Osgood Road there was no water
- 230 in the roadway with that event. The whole road is a bit higher than it used to be, it is a nice
- 231 road. He believes that Matrix is doing a wonderful job with the Fire department, and they
- 232 are very visual.
- 233 • Building Inspector- Gino Rignoli- nothing to report and we are on goal to process the same amount of
- 234 permits as last year, there were over 100 permits issued last year.
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- 236 • Tax Collector- Carlene Wiggin- the board addressed the Timber Tax.
- 237 ○ **B. Gustafson made a motion to sign the Timber Tax Warrant for Map 4 Lot 7-1,**
- 238 **seconded by B. Solomon, all in favor.**
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240 **NEW BUSINESS:**

- 241 • REVIEW OF WARRANT ARTICLES FOR MARCH 2024
- 242 J. Pace stated that the board is going to go through these one at a time. K. Felch passed out copies
- 243 to all those that wanted one. She indicated that the order will be changing for the warrant
- 244 because the zoning articles are not included. The first is to okay them to be placed on the warrant
- 245 and then to assign the order of them. **See addendum 1**
- 246 The board reviewed all the articles and removed one of them that would give them the ability to
- 247 purchase and sell town land. They did not feel that this is the appropriate time or that the article
- 248 is something that they want to have jurisdiction over. It was included because it was discussed
- 249 along with the other article that will be going before the voters for allowing the board to accept
- 250 gifts of personal property, not cash. (RSA 31:95-e:2)
- 251 The board reassigned the order.
- 252 The board also changed the funding source of the Revaluation article and changed it to come from
- 253 Unassigned Fund Balance so that there is no impact on the taxpayers.
- 254 K. Felch will restructure the warrant articles and post them for the meeting tomorrow night.
- 255 The board is looking to be as transparent as possible and would like to have each member take a
- 256 few articles to address. The department heads should be ready to address the warrant articles
- 257 and what it would mean if this warrant article were to fail. Social Service warrant articles will have
- 258 representatives at the deliberative session to explain their articles.

259 K. Felch explained that tomorrow night will be for the budget and money warrant articles.  
260 Tomorrow is the deadline for the petitioned warrant articles and any submitted will be added to  
261 the warrant.

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263 **Town Administrator:**

264 Kathleen Felch-

265 • CivicPlus contacted the town and would like to have the annual contract signed. Droople 7 is  
266 what the website is now and we are migrating to Droople 10. J. Pace would like to have the  
267 Town Administrator sign off on this contract which is just a renewal of an existing contract.  
268 K. Felch explained that there is a module for the website that will help those visiting the website  
269 to be able to customize what they are looking for on the website but comes with a cost.

270 **B. Gustafson made a motion for K. Felch to be able to sign the CivicPlus Contract. B. Solomon**  
271 **seconded, all in favor.**

272 • School Inspection – Friday 10 am for B. Solomon and B. Gustafson

273 • Approval of the Deposit Policy- S. Lawrence to be able to do deposits for the town, the board  
274 signed off on the permission sheet along with the treasurer.

275 • January 23, 2024- Presidential Primary-J. Pace will be there most of the day and asked Bob and  
276 Gus to work out what times they would like to be there and for all of them to be there to sign  
277 off on the ballots at the end of the night.

278 • March 12, 2023- Town Election

279 • February 7, 2024 @ Kes at 6:45pm.

280 • Board meetings in February will be the 12 and 26<sup>th</sup>.

281 • The board signed 2023 bills, 2024 bills, and payroll.

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283 • Approval of Board Minutes **December 18 and 27, 2023- approve at the next meeting.**

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285 • **Next meeting Monday January 22<sup>nd</sup>, 2024.**

286 The meeting on the 22<sup>nd</sup> will be the signing of the warrant.

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288 B. Gustafson made a motion to adjourn the meeting at 8:24 pm, seconded by B. Solomon, all in favor.

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290 Respectfully submitted,

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292 Kathleen T Felch