

**KENSINGTON, NEW HAMPSHIRE  
PLANNING BOARD  
Wednesday, November 15, 2023, 6:30 P.M.  
At Kensington Town Hall 95 Amesbury Road, Kensington, NH  
Meeting – Minutes -**

In attendance: Mary Smith (member), Aaron Fenton (member), Carly Fenton (member), Bob Solomon (member), Marty Silvia (member), Glenn Greenwood (Town Planner), and Kathleen Felch (Town Administrator)

M. Smith called the meeting to order at 6:30pm and explained that Vanessa Rozier (Chairperson) was stuck in traffic and would be about 20 minutes late, and that Justin McLane (Vice Chairperson) was unable to attend the meeting. M. Smith stated that the order of the agenda would be changed to allow the Chairperson to chair the meeting for the scheduled public hearing.

**Approval of Minutes from February 15, May 3, August 16, and September 20, 2023 and October 4, 2023**

Approval of minutes from the February 15, 2023 meeting was tabled to allow all who were at the meeting to be present.

**MOTION: M. Silvia motioned to approve the minutes of May 3, 2023. C. Fenton seconded. All in favor, none opposed, no abstentions.**

**MOTION: M. Silvia motioned to approve the minutes of August 16, 2023. C. Fenton seconded. All in favor, none opposed, no abstentions.**

**MOTION: M. Silvia motioned to approve the minutes of September 20, 2023 with corrections. C. Fenton seconded. All in favor, none opposed, no abstentions.**

**MOTION: M. Silvia motioned to approve the minutes of October 4, 2023. A. Fenton seconded. All in favor, none opposed, no abstentions.**

**UPDATES ON PRIOR BUSINESS:**

- **2024 Warrant Articles**
  - **Master Plan Survey**

C. Fenton explained that she worked with M. Silvia to edit the survey, reorganize, and consolidate survey categories, and highlighted areas for discussion. M. Silvia suggested that the board provide fewer questions to encourage greater participation from respondents. He stated that

the goal would be to get a better than 20% return on the surveys. M. Smith asked about publicizing the survey. The town website, posting in community news, Kensington Connects, and flyers were considered. Also discussed were creating a Gmail account for survey responses.

M. Smith asked if there were a lot of new items in the survey. M. Silvia explained that a few questions were removed or reordered. He stated that if the board deems it necessary, removed questions can always be added again later. C. Fenton stated that she could create the online survey in a way that will give respondents the opportunity to skip questions if they so choose.

M. Smith asked about the timeline of the survey. G. Greenwood confirmed that there was discussion about waiting until after the 2024 town meeting to circulate the survey. M. Smith suggested sending the draft survey to other town boards for feedback before it is released to the public. The board agreed.

M. Silvia expressed concerns with the state mandate for towns to provide affordable housing. C. Fenton explained that the state mandates that the board provide a way in which affordable housing developments can happen, and that the town's regulations cover that. C. Fenton stated that she is not sure that providing questions on residents' perspectives on housing affordability would add value to the survey. The board discussed smaller lot sizes as a possible way to make housing more affordable but didn't believe that smaller lots would create more affordable housing.

The board discussed making the survey as widely available as possible. V. Rozier suggested reaching out to other towns to get a sense of how they handled their surveys. V. Rozier asked K. Felch to have the Land Use Administrative Assistant distribute the survey to other boards and departments. C. Fenton stated that she would edit the survey to remove housing questions.

#### **Public Hearings:**

**V. Rozier assumed the duties and responsibilities of Planning Board Chair and thanked the applicant for their patience with the agenda being reordered.**

**V. Rozier read the public hearing details:**

***Planning Board Public Hearing:***

***Owner: Elaine Kaczmarek***

***109/111 Amesbury Rd***

***Kensington, NH 03833***

***Map 8 Lots 14&13***

***The applicant is requesting that the Planning board approve a Lot Line Adjustment as stated in Article III, Section 3.3.H.1 of the Kensington Subdivision Regulations.***

The applicant's surveyor, Peter Landry, presented the application to the board, and explained that the application is for a lot line adjustment between two abutting lots at corner of Trudlebed Rd and Amesbury Rd, taking an oversized lot with an existing area of 7 acres and reducing that area to just under 7 acres, and adding that part of land to the existing non-confirming part of the lot begin the Grange. P. Landry provided further details of the

proposed plan, including that the intent of the lot line adjustment is to donate the new lot to the town, pending approval at the 2024 town meeting.

M. Smith asked about the septic area that overlaps with the proposed new lot. Mr. Landry explained that no septic would be able to be constructed where the septic area overlaps with the Grange lot.

V. Rozier asked if the board would want to add a condition that the town approve the well easement and stated that ultimately the town would be taking ownership pending the town meeting vote. G. Greenwood stated that there is no reason why the well easement couldn't be added as a condition of approval. V. Rozier clarified that the condition of approval could be treated separately from the agreement. A. Fenton asked if there would be a benefit of adding the well easement as a condition of approval. V. Rozier stated that she brought it up as a point of discussion, and that the board generally includes the condition of approval for the town to review the approve the rights of the easement. She highlighted that this is a different situation since the approval of the application is contingent on the results of the 2024 town vote.

G. Greenwood made it known from the record that he is a direct abutter of the lots being discussed, but he did not believe that his review and comments on the application created a conflict of interest. He stated that the application was very thorough, and he had no concerns.

V. Rozier noted that the board needed to review and accept jurisdiction of the application.

**MOTION: M. Smith motioned to accept the application as complete. M. Silvia seconded. All in favor, none opposed, no abstentions.**

V. Rozier stated that a condition that they need to apply is that the approval of the application is contingent on the results of the 2024 town vote.

**MOTION: M. Smith motioned to approve the application for a lot line adjustment for Elaine Kaczmareck, Map 8 Lots 14 & 13 with the following condition:**

- 1. Approval is contingent on acceptance of the warrant article at the March 2024 town meeting.**

V. Rozier noted that the board did not open the public hearing and public comment prior to entertaining a motion to approve. M. Smith rescinded the motion to approve the application. The original motion had not been seconded.

**MOTION: M. Smith motioned to rescind the motion to approve the application. M. Silvia seconded. All in favor, none opposed, no abstentions.**

The chair opened the public hearing and asked if anyone in attendance wished to comment on the application. Seeing none, the chair closed the public hearing and entertained a motion to approve the application.

**MOTION: M. Smith motioned to approve the lot line adjustment application for Elain Kaczmareck, Map 8, Lots 13&14 with the following condition:**

- 1. Approval is contingent on acceptance of the warrant article at the March 2024 town meeting.**

**M. Silvia seconded. All in favor, none opposed, no abstentions.**

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V. Rozier entertained a motion to approve the February 15, 2023 minutes.

**MOTION: M. Smith motioned to approve the minutes of February 15, 2023. M. Silvia seconded. 4 in favor, none opposed, 2 abstentions.**

- Article III, Section 3.2.3: ADU Living Area**

V. Rozier asked C. Fenton if she felt the proposed language was ready for a warrant article. C. Fenton stated that she felt it was ready. V. Rozier asked the board if there was any discussion on the language of the proposed warrant article. The board discussed the wording of the proposed warrant article as it pertained to interior and exterior wall measurements. The board also discussed adding “interior finished face of the perimeter walls”, as opposed to “interior face of the exterior/interior walls”. The board discussed sending the revised draft warrant article language to legal counsel and scheduling a public hearing in December (Addendum 1).

**MOTION: M. Smith motioned to approve sending the living area warrant article to town counsel for review before a public hearing to be held on December 20, 2023. M. Silvia seconded. All in favor, none opposed, no abstentions.**

- Condominium Warrant Article**

G. Greenwood stated that he believes that there are two definitions that should be added to the zoning ordinance: one that defines “condominium”, and another that says what the condominium documents are. V. Rozier expressed concern that this issue wouldn’t be able to be addressed this year. G. Greenwood stated that it should be a simple definition and distributed his proposed warrant article language to the board (Addendum 2). The warrant article proposes to add the definitions to expand on mention “condominium” that is included in the definition of “subdivision”. V. Rozier opined that she is unsure that it is necessary to define something that is not in the zoning ordinance or subdivision regulations. G. Greenwood stated that RSA 356-B:5 (the NH Condominium Act) requires the allowance of condominiums, and that legal counsel should review the proposed warrant article language.

**MOTION: A. Fenton motioned to approve the condominium definition warrant article for a public hearing in December. M. Smith seconded. All in favor, none opposed, no abstentions.**

- Site Plan Regulations**

M. Smith explained that she has reviewed the site plan regulations but is not sure which direction the board would like to go with it. V. Rozier requested that G. Greenwood and M. Smith meet to discuss changes to the regulations and schedule a board discussion for the February workshop.

- **Any other business brought before the board**

The board discussed changes to the town's Floodplain Management Ordinance that is required by the NH Office of Planning and Development.

**MOTION: M. Smith motioned to present the changes to the Floodplain Management Ordinance be presented at a public hearing on December 20, 2023.**

**Next Regular Monthly Meeting:**

**Wednesday, December 20, 2023, at 6:30pm**

**Adjournment**

**MOTION: A. Fenton motioned to adjourn the meeting. M. Silvia seconded. All in favor, none opposed, no abstentions.**

**The meeting adjourned at 8:28pm**

Respectfully Submitted,

Owen Corcoran  
Land Use Administrative Assistant