

**KENSINGTON BOARD OF ADJUSTMENT  
KENSINGTON, NEW HAMPSHIRE  
PUBLIC Meeting  
Monday  
January 23, 2017  
KENSINGTON TOWN HALL  
95 AMESBURY ROAD  
AT 7:30PM  
Meeting Minutes-Approved 9/5/17**

**In Attendance: Bob Nolls, Richard Powers, Michael Schwotzer, Janet Bunnell**

Mike called the meeting to order at 7:38pm.

Attorney Durbin was present to represent the Tuttle's and Mr. Higgins. He asked if the board would suspend the meeting for 30 days due to a full board not being present. The board informed him that is possible, but there is not guaranteed attendance in 30 days either. His client indicated that he is aware that there is only three voting members present tonight, but would like to proceed. Bob had recused himself at the previous meeting.

Attn. Durbin explained that the value of the surrounding properties was a misunderstanding of the facts by the board. He further stated that there are two reasons for a rehearing request to be granted, one being technical error by the board the other that there is new evidence to be presented.

He continued to explain that the maximum use of his property would be to store the 8 storage containers. There would be no construction on site, the applicant will be moving from one project to another. They have submitted an objective opinion by a local appraiser on the diminution of surrounding values. He further explained the uses that are proposed for the property would be less incidental than them using it for agricultural purposes or if it were to be subdivided. He stated that the applicant at the time of the hearing was not prepared to dispute the diminution of surrounding values. They believe that they are submitting new information to the board tonight.

Mike explained that this proposed site is also sitting on the Town's aquifer. He had visited the area without accessing the property and it appears that there are poorly drained soils close to the area. With the trucks and traffic that could pose an issue for the aquifer and wetlands.

Attn. Durbin explained that their proposed use is considered light use. There would not be many heavy trucks accessing the property.

Rich stated that Mr. Higgins' appraiser's opinion lacked research on similar examples where they could have stated this type of activity has been allowed without impact.

Donna Carter stated that the powerlines affect the property value more than the commercial use would. She came forward and showed the board that at the corner of Old Amesbury Road there is actually 41 feet of road frontage in the Commercial District that abuts this property.

Rich asked if he would be willing to agree to stipulations of only having 8 containers on the property at any one time. Mr. Higgins would be willing to agree to those conditions.

Mike stated that they are here tonight to see if there is any new information for the board to consider. If there is new information, then they should grant the rehearing if not then the decision will be upheld. Janet did not believe that there had been enough homework done on presenting the board with new information. She stated that the paperwork submitted was an appraiser's opinion, not an official appraisers report.

**Janet made a motion not to rehear based on no new information being presented, Rich seconded. All in favor. Bob has recused himself.**

**Mike motioned to adjourn the meeting at 8:15pm, seconded by Janet, all in favor.**

Respectfully submitted,

Kathleen T Felch  
Zoning Board Clerk