

**KENSINGTON, NEW HAMPSHIRE**  
**KENSINGTON BOARD OF ADJUSTMENT**  
**MEETING MINUTES - DRAFT**

**January 2, 2024**

**7:30PM**

In attendance: Joan Skewes (vice Chairperson), Aaron Fenton (member), Mark Craig (member), and Janet Bunnell (member).

The vice chair (Joan Skewes) assumed the duties and responsibilities of the chairperson. Michael Schwotzer (ZBA chair) recused himself, as he is the applicant. J. Skewes called the meeting to order at 7:30pm.

J. Skewes read the application into the record.

**7:30 PM:      Zoning Board of Adjustment Public Hearing:  
Michael Schwotzer  
Owner: First Congregational Church of Kensington  
108 Amesbury Rd, Kensington, NH 03833  
Map 11 lot 9**

The applicant is requesting that the ZBA grant a Special Exception under Article III, Section 3.3.B.1 for a childcare business on the first floor of the existing building.

M. Schwotzer, treasure for the Kensington Congregational Church, stated that he is representing the church body that had approved moving forward with the plan. He explained that the childcare center will be on the basement level of the church.

M. Schwotzer presented the criteria for the special exception to the board. He explained that the childcare business is for working parents and would not be contrary to the public interest. He detailed the need for childcare in the town. He further detailed that the rural character of the town would not be impacted. M. Schwotzer detailed the plans for a fenced in area for a playground.

M. Schwotzer explained that the spirit of the ordinance would not be diminished, and explained the building has been around since 1867, and that the center of Kensington is non-residential. He further explained that while there would be increased activity during the week, it is consistent with the building's history.

M. Shwozter explained that enforcement of the provisions of the ordinance would not result in unnecessary hardship, the proposed use of the building is reasonable, and the that the building has been serving the community since 1867.

M. Schwotzer presented the floor plan to the board (Addendum 1). He detailed the dimensions of the proposed space to be used and stated that the childcare area would be protected and separate from the rest of the building via secure doors. A representative

from HHS inspected the proposed space and concluded that there is more than enough space for all children, with more than 40 square feet of space for each child.

M. Schwotzer detailed options for staffing the childcare center, such as franchised childcare centers like A Place to Grow and possibly staffing the childcare center with members of the church.

M. Schwotzer completed his presentation to the board. J. Skewes confirmed with the applicant that though an application for a variance was submitted, the board is considering a special exception for the commercial business. A. Fenton asked the applicant who can enroll in the childcare center. M. Schwotzer explained that it would initially be limited to children in the area, and that right now they would not be equipped to care for babies.

J. Bunnell raised concerns about granting a special exception for a licensed childcare center before a license has been granted. J. Skewes stated that the board could propose it be approved pending licensure issuance from the state.

J. Skewes asked about acreage and frontage. M. Schwotzer confirmed that the lot meets the acreage and frontage requirements. M. Schwotzer father explained that they will need to apply to the Planning Board for a site plan review, but that there is an issue with setback. He explained that since the building has been around for over 100 years, they are hoping that setback can be waived.

A Fenton asked if the proposed business is intended to generate revenue for the town. M. Schwotzer stated that it could be part of a potential revenue stream for the church. He explained that the church has been running a deficit for several years.

J. Bunnell asked if generating revenue would have an impact on the church's non-profit status. M. Schwotzer stated that it should not impact the non-profit status, and that the church regularly raises funds in other ways.

J. Skewes opened public comment.

Jean Waldron of Cottage Road spoke and explained that she has been a member of the church for over 30 years and expressed support for the approval of the application.

A resident of Muddy Pond Rd. detailed his extensive history with the church, detailed how it has historically been a meeting place for girl scouts, boy scouts, 4h, etc., and expressed support for the approval of the application.

Rev. Cheryl Stromski, pastor of the church, detailed her history with childcare businesses in the past, stated that it was a positive experience for all communities, and expressed her support for the approval of the application.

J. Skewes closed public comment.

J. Skewes expressed support for the application, with the only issue being approval pending state and local approval.

M. Craig suggested a lock on the fence so that children cannot wander out.

J. Bunnell stated that perhaps they see a business plan. J. Skewes highlighted that the applicant still needs to go before the planning board for site plan review, so there will be another level of review.

The board went over the findings of fact.

- Childcare is a need for working parents.
- Kensington Congregational would provide a licensed place for up to 12 children.
- The spirit of the ordinance is observed, as the children will be onsite on the large grass area, and the rural character will not be diminished.
- This will allow the church to provide care for all ages.
- The values of surrounding properties are not diminished. The center of town is non-residential, and though more active during the week, is more consistent with its history.
- The proposed use is a reasonable one, and the church is special and unique, providing services for Kensington since 1867.

J. Skewes entertained a motion to approve.

**MOTION: M. Craig motioned to approve all five items on the variance worksheet. J. Bunnell suggested amending the motion with a condition of approval stating that approval is conditioned upon obtaining licensing from the NH Department of Health and Human Services and seconded the motion. All in favor, none opposed, no abstentions.**

Adjournment

**MOTION: J. Bunnell motioned to adjourn. M. Craig Seconded. All in favor, none opposed, no abstentions.**

The meeting adjourned at 8:03pm.

**Note: The order of the agenda is subject to change without further notice**