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51 Mr. Schwotzer explained that even though this would be considered a commercial  
52 operation, the New Hampshire home group childcare policy allows for childcare up to 12  
53 children, which allows for less stringent requirements in contrast with a larger,  
54 commercial childcare center.  
55

56 Mr. Schwotzer provided details of the building layout and stated that the children would  
57 have the required space per child (50'). He also stated that there would be 14 parking  
58 spaces provided in the church parking lot.  
59

60 J. McLane asked that with the entrance of the parking lot being blocked for the safety of  
61 the children, would vehicles still be able to enter the church parking lot. Mr. Schwotzer  
62 stated that there would still be access without compromising child safety. V. Rozier  
63 asked Mr. Schwotzer to detail where the parking lot would be blocked. Mr. Schwotzer  
64 explained that it would be at the southeast tip of the building, with a similar barrier at the  
65 other end of the building. He explained that vehicles would be able to enter and exit from  
66 Rt. 150, and the design would prevent vehicles from using the church parking lot as a  
67 cut-through.  
68

69 Mr. Schwotzer explained that teachers would have no more than 6 children at any one  
70 time. With a maximum of 12 children, there would be 2 teachers on staff. J. McLane  
71 expressed concerns about congestion at the church parking lot during pickups. He  
72 suggested opening the parking lot up during drop offs and pickups to allow vehicles to  
73 exit the parking lot without having to turn around. Mr. Schwotzer stressed the safety of  
74 the children walking across the parking lot when vehicles are transiting through and  
75 stated that he does not believe there will be significant traffic during drop off and pick up  
76 times.  
77

78 Jean Waldron of 62 Cottage Rd. explained that she attends the church had has worked  
79 extensively in day cares, and based on her experience, it is unlikely that all kids will be  
80 picked up at the same time. She also explained that the kids are still very little, and many  
81 will be carried to their pickup vehicle.  
82

83 G. Greenwood stated that the small number of kids attending the day care does not  
84 present a significant impact on land use.  
85

86 A. Fenton inquired as to the board's goal in conducting a site plan review, given the  
87 small size of the proposed use of the church. V. Rozier explained that it is required  
88 under Article III, Section 3.3.B of the Kensington zoning ordinance.  
89

90 Mr. Schwotzer detailed the septic system design, explaining that it was adequate for  
91 what is being proposed. M. Smith asked if there are state requirements regarding the  
92 required number of restrooms. Mr. Schwotzer stated that two is sufficient for the number  
93 of people being proposed.  
94

95 C. Fenton asked about the targeted age group. Ms. Waldron replied that the children  
96 would be no younger than 18, as there would be a requirement for a separate changing  
97 room with a means to hand wash within the room.  
98

99 Mr. Schwotzer presented 2 waiver requests to the board (*Addendums 2&3*). With  
100 regards to Addendum 3, V. Rozier expressed concern about the Planning Board  
101 granting waivers for items under site plan review that may be under ZBA jurisdiction. G.  
102 Greenwood stated that the setbacks should not be an issue, since the building is over 15  
103 years old. The Board discussed the setback requirements and agreed that the setback is

104 a legally existing, non-conforming use, and that nothing needs to be recorded other than  
105 explaining the reasons for allowing a non-conforming use. J. McLane observed that  
106 there are quite a few items on the checklist that do not apply because of the simplicity of  
107 the proposal.

108  
109 V. Rozier stated that before the Board moved forward with any decisions, they vote to  
110 accept jurisdiction of the application.

111  
112 **MOTION: M. Silvia motioned to accept jurisdiction of the application. C. Fenton**  
113 **seconded. All in favor.**

114  
115 V. Rozier entertained a motion to approve the waiver for 22'X34' site plans.

116  
117 **MOTION: M. Smith motioned to approve the waiver based on information provided**  
118 **by the applicant. J. McLane seconded. All in favor.**

119  
120 V. Rozier suggested a condition of approval to ensure that a state approved septic plan  
121 is on file. G. Greenwood stated that the septic was installed in 2017, and therefore state  
122 approval would have to already be on file.

123  
124 J. McLane suggested a condition of approval that all guidelines for the state and local  
125 fire policy are met.

126  
127 A. Fenton opined that he was unsure that a site plan review was necessary, as his  
128 reading of site plan regulations is focused on development, and this proposal seems like  
129 a change of use. J. McLane stated that because of the change in use, it is necessary for  
130 the Board to conduct a site plan review to ensure that the proposed change of use  
131 meets all regulations and safety requirements. V. Rozier stated that the reasons for  
132 conducting a site plan review are that 1.) the zoning ordinance requires it, and 2.) the  
133 site plan for the church was last approved in 1927 based on a certain use, and since this  
134 is a change in use, portions of the site plan review applies (occupancy, septic plan, etc).

135  
136 V. Rozier entertained a motion to approve the site plan.

137  
138 **MOTION: J. McLane motioned to approve the site plan for Map 11, Lot 9, 108**  
139 **Amesbury Rd, for a childcare business with the following conditions:**

- 140  
141 1. The applicant will provide the town with their state approval for the  
142 operation.  
143 2. The applicant will comply with comments from the fire department on the  
144 proposal.  
145

146 **C. Fenton seconded. All in favor.**

147  
148 **MOTION: M. Smith motioned to close the public hearing. C. Fenton seconded. All**  
149 **in favor.**

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158 **Planning Board Public Hearing:**

159 **Continued Public hearing from February 21, 2024**

160 **Owner: Connor Lincoln**

161 **23 Moulton Ridge Rd**

162 **Kensington, NH 03833**

163 **Map 11 Lot 46**

164 The applicant is requesting that the Planning Board grant approval of a 3-lot subdivision,  
165 as stated in Article III, Section 3.3 of the Kensington Subdivision Regulations.

166  
167 V. Rozier read the purpose of the hearing and entertained a motion to open the public  
168 hearing.

169  
170 **MOTION: J. McLane motioned to open the public hearing. C. Fenton seconded. All**  
171 **in favor.**

172  
173 V. Rozier stated that the Board had received a letter from the applicant requesting to  
174 continue the application. She explained that the applicant had withdrawn their application  
175 for special exception to the ZBA. Mr. Schwotzer (ZBA chair) was still in attendance and  
176 explained that the applicant withdrew their application because the changes to the original  
177 plans were extensive and included broader impact to more than just lot 46-3.

178  
179 J. McLane asked if a continuance request letter had been received for the March hearing.

180  
181 \*Note: continuance letters were provided in both February and March. The February  
182 continuance request letter was mistakenly placed in Planning Board packets for this  
183 meeting (Addendum 1). The contents of the continuance request for March was for the  
184 same reasons as the previous request: the applicant wanted to obtain ZBA special exception  
185 approval before seeking approval from the Planning Board and avoid re-noticing abutters  
186 if possible (as re-noticing is not required if the Board continues an application and states  
187 the date, time, and place of the continued hearing).

188  
189 G. Greenwood stated that if the board concurred, he would be comfortable with not  
190 granting the continuance. He detailed that the original public notice that indicated the  
191 extent of wetland impact is no longer an effective representation of what the wetland impact  
192 will be.

193  
194 The board discussed whether there was a request to continue the March hearing in front of  
195 them. V. Rozier stated that based on email communications between B. Gier and the Land  
196 Use Administrative Assistant, she believed that there was a continuance request for this  
197 hearing. The board discussed the issue, and they agreed that a continuance was requested.

198  
199 G. Greenwood stated that by rejecting the request for continuance, they are effectively  
200 denying the application. J. McLane highlighted the need for the public to be legally noticed,  
201 particularly with so much change in the plans.

202  
203 G. Greenwood suggested that the Board not grant the continuance because the continuance  
204 was originally requested so that the applicant could obtain ZBA relief, and now that the

205 applicant has withdrawn the application, there is no ZBA process in place until they accept  
206 a new application.

207  
208 The board further discussed whether to grant or deny the continuance. G. Greenwood stated  
209 that if they deny the continuance and the application, the Board needs to state the specific  
210 reasons for the denial under state law. He also stated that the Board should note that the  
211 applicant can resubmit a new subdivision application if they so choose.

212  
213 **MOTION: C. Fenton motioned to deny the continuance request for the subdivision**  
214 **hearing at 23 Moulton Ridge Rd, Map 11, Lot 46. A. Fenton seconded. All in favor.**

215  
216 **MOTION: C. Fenton motioned to deny the application for 23 Moulton Ridge Rd,**  
217 **Map 11, Lot 46 based on the application being withdrawn from the ZBA, no ongoing**  
218 **ZBA process for the application, and that there is no updated information for the**  
219 **Planning Board to consider. M. Silvia seconded. All in favor.**

220  
221 **MOTION: C. Fenton motioned to close the public hearing. M. Smith seconded. All in**  
222 **favor.**

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226 **UPDATES ON PRIOR BUSINESS:**

227  
228 • **Master Plan survey**

229  
230 J. McLane asked if the Board has received further feedback from town committees. G.  
231 Greenwood stated that the Kensington Sawyer Trust had concerns with the section of the  
232 survey giving respondents the option to recommend “replacing” town facilities, as that is not an  
233 option with Sawyer Park. The trust did like the option of recommending upgrading the facilities,  
234 such as adding recreational activities that are currently unavailable.

235  
236 C. Fenton suggested adding separate open-ended question such as, “Are there recreational  
237 facilities that should be added to Sawyer Park.” She asked if the board felt they should eliminate  
238 the “replace” option on the survey with regards to facilities. J. McLane suggested that rather  
239 than completely eliminate the “replace” option, the Board might tailor it to specific things, such  
240 as providing an option for replacing facilities such as municipal offices, library, etc.

241  
242 The board discussed strategies for distributing the final survey to the public, such as: posting  
243 the survey to the town website, sending it out in the church newsletter, posting on Kensington  
244 Connects, and providing print copies at the town hall and the library. A. Fenton asked if a  
245 mailing would be possible. V. Rozier highlighted current budget constraints. J. McLane  
246 suggested providing an option for respondents to receive a mailed copy of the survey if they  
247 cannot make it to the town hall to pick up a hard copy survey. V. Rozier suggested that B.  
248 Solomon ask the Selectboard at their next meeting if they’d be amenable to the cost of mailing  
249 the survey. C. Fenton suggested mailing a postcard with a QR code that would give  
250 respondents access to a digital copy of the survey.

251  
252 V. Rozier entertained a motion to approve the survey.

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**MOTION: A. Fenton motioned to approve the town survey with the revisions discussed. M. Silvia seconded. All in favor.**

- **Site Plan Review**

*\*TABLED*

- **Any other business brought before the Planning Board.**

V. Rozier stated that this would be her last meeting as chair and a member of the Planning Board. The Board discussed continuity of Board leadership.

**MOTION: M. Smith motioned to nominate Justin McLane as Planning Board Chairperson. A. Fenton seconded. All in favor.**

**MOTION: V. Rozier motioned to nominate Carly Fenton as Planning Board Vice Chairperson.**

- **Approval of Minutes from January 17, 2024.**

*\*Tabled*

**Next Regular Monthly Meeting: Wednesday, April 17, 2024, at 6:30pm**

### **Adjournment**

**MOTION: V. Rozier motioned to adjourn the meeting. C. Fenton seconded. All in favor.**

The meeting was adjourned at 8:27pm.

Respectfully Submitted,

Owen Corcoran  
Land Use Administrative Assistant