

KENSINGTON, NEW HAMPSHIRE
KENSINGTON BOARD OF ADJUSTMENT
MEETING AGENDA

May 2, 2023

7:30PM

The Kensington Board of Adjustment will hold a **Public Meeting** on Tuesday, May 2, 2023 at 7:30 p.m. at Kensington Town Hall, 95 Amesbury Road, Kensington, NH.

AGENDA: The Agenda for the meeting is as follows:

To consider the eight (8) Requests for Rehearing of the Zoning Board of Adjustment's March 15, 2023, approval of a variance from Article V Section 5.1.5.2 to allow for construction of a Telecommunications Facility in the Residential/Agricultural zone on the property owned by Marybeth Dinicola at 70 Moulton Ridge Road Kensington, NH 03833 known as Map 10 Lot 1.

1. Ami & Manuel Delgado, 5 Hoosac Rd, Kensington, NH
2. William & Dale King, 9 Hoosac Rd, Kensington, NH
3. Sarah Batterson, 268 North Haverhill Rd, Kensington, NH
4. Trish & Mike DiCaprio, 31 Osgood Rd, Kensington, NH
5. Karen Parker Feld & Peter Freeman, 178 Drinkwater Rd, Kensington, NH
6. Mary Rezendes Brown, 66 Moulton Rd, Kensington, NH
7. Peter Sawyer, 50 Moulton Ridge Rd, Kensington, NH
8. Ann Smith, 63 Moulton Ridge Rd, Kensington, NH

Old Business:

Meeting Minutes to be approved: 02/15/2023; 03/15/2023

Any other Board business.

Next Meeting: to be determined

Adjournment

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

91-A:2 Meetings Open to Public. – II. Subject to the provisions of RSA 91-A:3, all meetings, ... shall be open to the public. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings.

Rehearing Procedures Before Board of Adjustment, Board of Appeals and Local Legislative Body

Section 677:2

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. – Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed.

Section 677:3

677:3 Rehearing by Board of Adjustment, Board of Appeals, or Local Legislative Body. –

I. A motion for rehearing made under RSA 677:2 shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the zoning board of adjustment, a board of appeals, or the local legislative body shall be taken unless the appellant shall have made application for rehearing as provided in RSA 677:2; and, when such application shall have been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by a court unless the court for good cause shown shall allow the appellant to specify additional grounds.

II. Upon the filing of a motion for a rehearing, the board of adjustment, a board of appeals, or the local legislative body shall within 30 days either grant or deny the application, or suspend the order or decision complained of pending further consideration. Any order of suspension may be upon such terms and conditions as the board of adjustment, a board of appeals, or the local legislative body may prescribe.