

KENSINGTON BOARD OF ADJUSTMENT
KENSINGTON, NEW HAMPSHIRE
November 3, 2015
7:30 PM
At Kensington Elementary School Library
Meeting Minutes-DRAFT

In Attendance: Joan Skewes, Janet Bunnell, Michael Schwotzer, John Andreasse.

Others in Attendance: Attorney Craig Salomon, Greg Chlapowski, Donna Carter; four abutters.

Joan called the meeting to order at 7:30pm.

Joan read the following to all those in attendance.

1. MOJO Working LLC, 210-214 North Haverhill Road, Kensington, NH, Map 17, Lot 22, for a Special Exception as provided for in the Kensington Zoning Ordinance under Article III, Section 3.3A and Article III, Section 3.1.6B. The applicant proposes to be able to expand non-conforming uses, by increasing the footprint of the current mobile home, and extending the parking area associated with the commercial use of the property.

Joan called the applicant forward. Gregg Chlapowski came forward with Attorney Craig Salomon. Attorney Salomon explained where the property was located and showed the board various pictures and a lot line adjustment plan known as D-21103. On this plan the well was depicted by the applicant and also the proposed parking area. The mobile home was already on the plan and it was explained that it would be increasing in size to 14x48. The board was shown where the applicant would like to have the parking area. He also explained that he had attended a planning board meeting for a consult and they suggested having the parking area crushed stone instead of gravel for drainage. That change was made on the plan presented to the board, which differed from the application.

They explained that they would like to screen the house next door with arborvitaes, known as Map 17 Lot 23 owned by Lois Warren. They would like to remove the current mobile home and replace it with another larger mobile home, and place it on a concrete slab, the current mobile home is not on a slab at this time. Attorney Salomon explained that the lot would become more conforming due to the fact that the mobile home will be replaced with a larger one that is closer to the minimum size standards in Kensington. He also explained that they are looking for a waiver of the site plan review requirement. Joan asked what the new mobile home will be used for, and if it will be used for business. Mr. Chlapowski will be moving into the new home, and it is staying residential in use. Mike asked if all of the homes on the property are being used the same way proposed previously, and they are. The board asked if the mobile home would be closer to the property line, Mr. Chlapowski explained that it would not be.

He will be removing a tree in the back of the mobile home because it is currently hanging over the existing mobile home. The board explained that he will still need to obtain a building permit for the new mobile home, and a demo permit for the existing one. John explained that it would have to be set so that it adheres to the 25 foot set back requirement.

Joan opened the meeting up to the abutters at 7:47pm.

Donna Carter was given permission by abutter Lois Warren to speak on her behalf. Ms. Carter asked where the septic and the well were located on the property. Mr. Chlapowski showed her where the arborvitaes would be planted. The board is referencing the lot line adjustment plan recorded on July 22, 1991; D#21103.

Ms. Carter pointed out that the proposed parking is going right up to the abutter's lot line. She explained that if the trees were removed there would be no buffer, and it will not be fair to the Ms. Warren. Ms. Carter explained that the plan they are looking at was done because the applicant had put their driveway on the abutter's lot, so they swapped land to accommodate the driveway mistake. Ms. Carter asked how they would be allowed to put the parking right up against the abutter's property. The board talked over various scenarios. Mr. Carter also explained that there is current run off from the abutting property already that washes out the driveway for 2 Amesbury Road.

The board closed the public session of the meeting.

They then went into answering the criteria for the application.

John read the following from the NH Zoning Board of Adjustments Book 2013 edition.

- To what extent does the challenged activity reflect the nature and purpose of the existing nonconforming use; / Believes that the board decided that it is minimal.
- Is the challenged activity merely a different manner of utilizing the same use or does it constitute a use different in character, nature and kind from the nonconforming use; / Does not change the character.
- Does the challenged activity have a substantially different impact on the neighborhood? Does not have substantial impact.

Mike expressed that the board is in agreement that it is changed from the existing plan and that there is a minor upgrade to the plan, he believes that there needs to be an understanding between the board and the applicant about what is being decided. There are two things to be decided. The mobile home and the parking area need to be defined. The board decided to waive the site plan review because there is not much input needed from the planning board. Peter Merrill expressed that the building permit would be involving the selectmen as well, so there does not seem to be a need for the site plan review.

Joan made a motion to grant the special exception with the following conditions:

- 1) **Any part of new mobile home 14x48 feet, to be located no closer than 25 feet from property line, and for residential use only.**
- 2) **An Expansion of existing gravel drive no further than 22 feet from existing drive
Installed with best management practices.**
- 3) **Planting of arborvitaes to screen 53 feet as shown on plan D 21103, part of**

Application file.

4) Waiver of site plan review requirement.

Seconded by John; all in favor.

The pictures of the property were kept to put in the file.

OLD BUSINESS:

Approval of Meeting Minutes from October 6, 2015; August 4th, 2015;

John made a motion to accept the meeting minutes from August 4th, seconded by Mike seconded, all in favor.

John made a motion to accept the meeting minutes from October 6th, 2015, seconded by Mike, all in favor..

John made a motion to adjourn the meeting at 9:01pm, Mike seconded, all in favor.

Respectfully Submitted,

Kathleen T Felch
Zoning Board Clerk