

KENSINGTON ZONING BOARD OF APPEAL MEETING  
Virtual Meeting via Zoom due to COVID-19  
TUESDAY August 4, 2020 – 7:30pm  
Minutes - DRAFT

In attendance: Janet Bunnell (alone), Mark Craig (alone), Bill Ford (alone), Mike Schwotzer (alone), Joan Skewes (alone)

M. Schwotzer read from a checklist to ensure that meetings are compliant with the Right to Know laws during the State of Emergency due to COVID-19.

**At 7:36pm, B. Ford made a motion to open the meeting. J. Bunnell seconded. A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

The Board established that in the event of a power loss due to storms occurring this evening, the Board would reconvene Wednesday 8/5/2020 via Zoom at 7:30pm. All Board members agreed.

**At 7:39pm, B. Ford made a motion to open the public hearing for 13 North Rd and read the following aloud:**

*Survivor Trust c/u Welsh Living Trust, located at 13 North Road, identified by Map 11 Lot 30. This special exception is related to Land Use Ordinance Article 3 Section 3.3B.*

**J. Bunnell seconded. A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

M. Schwotzer stated that he feels this is already a non-conforming use as it was previously a landscaping and trucking business and referenced Section 4.4.1 Non-Conforming Uses and Structures. M. Schwotzer states that he believes the application does not constitute something substantially different than what existed and the Board is correct in hearing the application for the Special Exception as there was previously a business, but it has since been curtailed. Pam Welsh explained the history of the property from 1965 on to the Board. The Welsh Family has offered to rent the space to Don Pennfield for him to use for refurbishing and reselling trucks. Mr. Pennfield explained to the Board that in order to operate his business he needs to obtain a dealership license from the State of NH, and he needs authorization from the Town as well. Because this property is located in a residential zone, there is a change in land use. Ms. Welsh explained that she believes Mr. Pennfield's potential use of the property will have fewer trucks and less impact than previous businesses on the property have had. Mr. Pennfield summarized a letter to the Town dated May 14, 2020 explaining the history of his business and his plans for the property. M. Schwotzer asked how many vehicles Mr. Pennfield anticipates having on the property at one time, and Mr. Pennfield estimated no more than 4 vehicles at once. Mr. Pennfield explained that his emphasis is on the restoration of the vehicles rather than volume of sales. Mr. Pennfield noted that it would be possible that he may take a vehicle for consignment, fix other people's vehicles, but he does not anticipate those activities often. Mr. Pennfield explained that the work he will be doing will be completed inside the building and cannot be seen from the road; few vehicles if any would be outside and if they were outside, they would not be visible from the road. The Board asked clarifying questions about Mr. Pennfield's plans including the kinds of trucks to be worked on, how long a typical restoration would take, the amount of traffic anticipated weekly, and number of employees. Mr. Pennfield explained that he mostly works with Peterbuilt tractors and big build conventional tractors, but does not deal with the trailer. He explained that restorations depend on the condition upon arrival, he anticipates up to 5 people per week, does not plan to advertise at the road, and does not plan to have regular employees but may have a friend assisting from time to time. There were no further questions from the Board.

Abutter Jason Howe spoke in support of Ms. Welsh and Mr. Pennfield. Abutter Ann Italia expressed concerns for the hay stored on the property as a possible fire risk, hazardous waste concerns, and questioned the amount of potential noise and hours of operation. Mr. Pennfield explained the hay is stored in a separate barn and waste oil is generated but not significantly different than what is already generated by farm equipment. He does not anticipate any additional noise than what is already generated by air compressors currently the property. Hours of operation would be Monday through Friday 8am to 4:30pm and Saturday 8am to 12pm, though Mr. Pennfield doesn't anticipate to always be open during

these hours, but it would not be any more than these hours. Ms. Welsh stated that she believes there is likely to be less equipment and traffic than when the trucking business was running. Abutter Michelle LaFlamme wished Mr. Pennfield good luck on his new venture. Abutter Mike Turnelle questioned if there would be any additional building on the property that would affect him. Ms. Welsh explained there are no plans for new buildings for this business. Abutter Bob Laroche expressed concern that the dealer license could be sold or transferred without going through this process again. Although unsure about the transfer of the license, the Board felt confident in the conditions they can put on the special exception to prevent a major dealer operation. Abutter Sarah Goodman said she is concerned with the potential traffic and asked for restrictions on trucks on the road. Joni Praded of 24 North Rd thanked the Welsh Family for keeping the land rural and questioned why the special exception is needed. Ms. Welsh explained that the business cannot go forward without the exception for the dealership due to State requirements. Steve and Becky Graunke of 11 Osgood Rd asked the Board to consider limiting the number of trucks allowed.

**At 8:37pm, there was a brief recess due to a power outage. The Board reconvened at 8:46pm.**

The Board reviewed the application, including photos provided by the applicant and the tax card. The Board went through the Special Exception Worksheet to evaluate and review all five special exception criteria and discussed possible conditions on the special exception. Signage for the business was briefly discussed and Mr. Pennfield noted that it is a requirement of the State for the dealership license to have a sign visible from the road. **At 9:09pm, B. Ford made a motion to grant a special exception to the Welsh Living Trust for Map 11 Lot 30 to allow Journeyman Trucking, LLC to buy, repair and sell used trucks from inside an existing building on the property with the following conditions:**

- 1. Limit of four (4) used vehicles on the property at any time.**
- 2. Limit of one (1) used vehicle to be stored outside of the building.**
- 3. Staff to be comprised of the owner and one (1) employee.**
- 4. Average of five (5) or less visitors per day.**
- 5. Hours of operation: Weekdays 8:00 – 4:30; Saturday 8:00 – 12:00; Sunday closed.**
- 6. Business sign (14" x 48") to be mounted on building and visible from North Road. Sign permit required.**
- 7. Test drives of "for-sale" vehicles prohibited from using Drinkwater Road south of the intersection with North Road.**
- 8. As required by Zoning Ordinance section 3.3 B.3 an application to the Planning Board for a Site Plan Review must be filed within 90 days.**

**M. Craig seconded. A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

**At 9:10pm, B. Ford made a motion to close the public hearing. J. Bunnell seconded. A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

**At 9:11pm, B. Ford made a motion to open the public hearing for 6 Hemlock Rd. and read the following aloud:**

*Robert and Alanna Bean for Tax Map 12 Lot 52, located at 6 Hemlock Road in the Town of Kensington. They are seeking a variance 10 feet Northwest for an addition in the future to include a 2-3 car garage, bedroom and bathroom.*

**M. Craig seconded. A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

Robert and Alanna Bean summarized their application for the Board. The Board reviewed the plot plan that was supplied. The variance request is due to a proposed 18ft. clearance to the lot line as a result of the planned addition. The Board determined that due to the location of the well, septic and the slope of the property, the proposed area is the only option for an addition. There were no abutters present for the meeting, though all abutters were notified of the public hearing. J. Bunnell questioned the size of the septic and whether it would allow for an addition of this sort. Mr. Bean stated that the septic is a 1,750 gallon tank and had no comment on the size of the leachfield. It was determined that if the request for a variance is granted, the applicant will still need a building permit and at that point, the septic would be verified. The Board went through the Variance Worksheet to evaluate and review all five variance criteria. No

members of the public wishes to speak on this matter. **At 9:29pm, J. Skewes made a motion to grant the variance for 6 Hemlock Rd with the condition that the proposed structure be no closer than 18 feet from the property line. J. Bunnell seconded. A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

**At 9:31pm, B. Ford made a motion to close the public hearing for 6 Hemlock Rd. J. Bunnell seconded. A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

The Board reviewed minutes from the July 7, 2020 meeting. At 9:32pm, J. Skewes made a motion to accept the minutes from July 7, 2020 as written. M. Craig seconded. **A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell abstained, J. Skewes voted yes, M. Craig voted yes, B. Ford abstained. The motion passes.**

At 9:33pm, M. Craig made a motion to adjourn. J. Bunnell seconded. **A roll call vote was taken by M. Schwotzer: M. Schwotzer voted yes, J. Bunnell voted yes, J. Skewes voted yes, M. Craig voted yes, B. Ford voted yes. The motion passes.**

Respectfully submitted,

Chelsea Lalime