

**KENSINGTON BOARD OF ADJUSTMENT
KENSINGTON, NEW HAMPSHIRE
PUBLIC MEETING
AUGUST 19, 2019
KENSINGTON TOWN HALL
95 AMESBURY ROAD
AT
7:30PM
Meeting Minutes - Approved 12/03/2019**

In Attendance: John Andreasse, Joan Skewes, Michael Schwotzer, Mark Craig

M. Schwotzer motioned to open the meeting at 7:38pm, J. Andreasse seconded, all in favor.

M. Schwotzer wanted to address an issue before starting the meeting tonight. He stated that the by-laws and the state law indicate that the board shall have a chairman elected annually. No formally elected chairman currently presides, the board decides on the chairman each meeting. He recommends, or would like to discuss this board to have a chairman elected to serve a one-year term. Board members agreed.

M. Craig nominated M. Schwotzer to be chairman, J. Andreasse seconded, all in favor.

M. Schwotzer nominated J. Skewes to be the vice chairman, she accepted, Mark seconded, all in favor.

Chairman Schwotzer read the following.

The board will be meeting tonight to discuss if they will be hearing an appeal to the recently denied appeal for Stephanie Artigliere who requested a variance. Case number Z2019-01.

He continued that the board has to respond to this request within 30 days, and the meeting was scheduled for tonight to be within the 30-day time period. The applicant has requested a full board but the board is one member short of a full board, four members were available tonight. The board could not find anything that states that they have to comply with the request of a full board. The meeting has to be held due to the board complying with the state RSA's.

Chairman Schwotzer stated that the applicant expressed in the rehearing request that the board needed to have a chairman and the board feels as though they remedied that at the beginning of the meeting. He then asked if the board wanted to open the meeting for public comment and further information or if they feel that they have sufficient information in front of them. J. Andreasse stated that he is not sure that he needed to open up to the public at this point, but would like the opportunity to do so later if needed.

Chairman Schwotzer requested the minutes from the last meeting for the board to review.

J. Andreasse expressed that it would be helpful to discuss what this meeting is for.

The board wanted to make it clear that this is a public meeting and not a public hearing. He read that the reasonings for the board to rehear and believes that they are very clear. J. Andreasse would like to go point by point.

M. Schwotzer stated that this is a meeting to see if they will have a rehearing on the case. The first rehearing was held due to a procedural point made that there was not a full board. This board has four members sitting tonight, but at the last rehearing had a full five-member board.

J. Andreasse continued.

- the governing rules were questioned He believes that was adhered to.
- Next the applicant stated that they should be allowed to speak in rebuttal, he was not aware of the applicant or the abutter not being allowed to speak, board agreed.

- Opportunity shall be given for correction from the floor. J. Skewes stated that throughout the meeting the questions were summarized. She continued that although they did not have a chairman that was elected annually, B. Ford agreed to chair the meetings at each meeting. The board concurred that the board members schedules were such that electing a chairman each meeting worked, and this was a technical error on the part of the board and was not at the detriment of the meeting. The board rectified the situation at the beginning of this meeting.
- Applicant stated that the abutter was allowed to speak in length and the applicant was not allowed to rebut the comments. The board does not agree with that.
- The applicant was upset with the abutter supplying the board with false information. The board believes that the applicant was given the appropriate time to rebut the statements.

The boundary lines were discussed and J. Andreasse stated that the attachments provided are in more detail than ones that were submitted earlier in the application/appeal process. M. Schwotzer recounted that the fifteen feet was discussed, and that point was made at the last meeting multiple times, so the pictures are not different then the information supplied. He continued that the 15 feet was taken into effect and did not impact the board's vote, and the applicant agreed that the building was not in accordance with the setbacks of the current zoning during the previous meetings.

M. Schwotzer feels that they are not sufficient grounds for the board to rehear the case. He explained that under 25 feet is not in compliance, so the 15 feet is not relevant. J. Skewes stated that the applicant had the opportunity to request a continuance and did not exercise that right.

J. Andreasse noted the technical issues in the rehearing request, and the history is that the board is lucky to get the full board. M. Schwotzer stated that the planning board does have better attendance but sometimes the chair and vice chairman are not there and another member will chair the meeting for the night.

Board members agreed that they have not followed the bylaws and have now corrected the issue, in regards to the chairman being elected annually. They do not believe that the technical error was detrimental to the applicant and would have changed the decision.

J. Andreasse made a motion to deny the rehearing, J Skewes seconded, all voted in favor of denial for the application of rehearing, none opposed, unanimously approved.

The board reviewed the meeting minutes from July 2, 2019. J. Andreasse voted to approve the minutes for July 2, 2019 as presented, J. Skews seconded, all in favor.

Adjournment by J. Andreasse at 8:08pm, M. Craig seconded, all in favor.

Respectfully submitted,
Kathleen T Felch