

TOWN OF KENSINGTON
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
August 4, 2026 Kensington Town Hall 7:30 PM

Call to Order

Chairman Aaron Fenton called the meeting to order at 7:30 PM.

Members Present

- Aaron Fenton, Chair
- Joan Skewes, Member
- Bill Ford, Member
- Janet Bunnell, Member

Members Absent

- Additional regular members not present- Mark Craig and Alt. Therese Wallaga

Others Present

- Kathleen T. Felch, Town Administrator
- Applicants and 14 members of the public

Public Hearing Application

Owner: Devin's Properties, LLC

David and Darlene Marcinkevich

17 Trundle Bed Lane

Kensington, NH 03833

Map 08, Lot 08

Request: Special Exception under Article III, Section 3.3.C of the Kensington Zoning Ordinance to permit a cluster development on the subject property. The lot has only driveway access and minimal frontage on a public road.

Procedural Matters

Prior to opening the hearing, Chair Fenton noted that only three voting members were present. He advised the applicant that three affirmative votes would be required for approval and offered the option of postponing the hearing until a meeting with greater board attendance. The applicant elected to proceed with the hearing.

Janet Bunnell disclosed that she serves as a Trustee of the Sawyer Kensington Trust and recused herself from participation in the hearing. She joined the audience for the remainder of the public hearing.

Applicant Presentation

David Marcinkevich

283 North Haverhill Road, Kensington, NH

Mr. Marcinkevich explained that he purchased the property approximately three and one-half years ago. He stated that he seeks to develop the property with three single-family homes accessed by a private driveway. He described a similar development he had completed

previously and stated that he moved to Kensington because he appreciates the rural character of the community.

Mr. Marcinkevich explained that discussions with the Building Inspector led him to believe that a form of condominium or clustered development arrangement would permit three homes on the parcel utilizing the existing private drive access. He stated that his intention was to construct single-family homes with individual driveways, garages, and utilities rather than attached housing units.

Board Discussion

Frontage Requirements

Chair Fenton questioned how the proposal satisfied frontage requirements given the property's limited access on Trundle Bed Lane. He noted that the application appeared to require approximately 450 feet of frontage under the ordinance while the property only contained a narrow access strip.

Joan Skewes expressed concern that the application did not meet frontage requirements and noted that no variance had been requested as part of the application. She questioned whether the Board could grant relief where frontage requirements were not met.

Chair Fenton stated that based on the information available, approval might require both a Special Exception and a frontage variance. He further noted that no variance application had been submitted or noticed to abutters.

The Board discussed distinctions between:

- Cluster Development
- Condominium-style ownership
- Traditional subdivision approval

Chair Fenton indicated that the application as submitted appeared to seek cluster development approval, while the applicant's description appeared more similar to a subdivision proposal that would normally fall under the jurisdiction of the Planning Board.

Public Comment

Richard Lloyd-22 Trundle Bed Lane, Kensington, NH

Mr. Lloyd asked whether the project would remain a single parcel or be subdivided into three separate ownership lots. He later expressed concerns regarding:

- Adequacy of public notice
- Frontage requirements
- Possible development precedent
- Wildlife impacts
- Emergency service access
- Trash storage
- Protection of rural character

Mr. Lloyd also requested consideration of a continuance to allow residents additional time to review the application and seek advice if desired.

88 **Marsha Price- 19 Trundlebed Lane**

89 Ms. Price raised concerns regarding:

- 90 • Emergency vehicle access
- 91 • Traffic impacts
- 92 • Road width
- 93 • School bus and pedestrian safety
- 94 • Parking
- 95 • Septic systems and wetlands
- 96 • Wildlife protection
- 97 • Existing walking trails
- 98 • Utility access
- 99 • Tree preservation
- 100 • Increased noise and traffic
- 101 • Potential future subdivision
- 102 • Impact on the rural character of Kensington

103 She emphasized the value of existing natural resources, recreational trails, and open space
104 adjacent to the property.

105 Following deliberations, Ms. Price additionally referenced scenic road protections and stated
106 that future development should consider impacts to stone walls, trees, and neighborhood
107 safety.

108 **Devin Marcinkevich (Applicant's Daughter)**

109 Ms. Marcinkevich spoke in favor of the application. She stated that the proposal would provide
110 attractive single-family homes for families and would complement the nearby park area. She
111 noted her family's pride in previous development projects and encouraged the Board to review
112 the applicant's prior work.
113

114 **Emily Lafferty- 23 Trundle Bed Lane, Kensington, NH**

115 Ms. Lafferty expressed confusion regarding whether the proposal constituted cluster
116 development or a subdivision.

117 She questioned:

- 118 • Why the application was being presented as a cluster development.
- 119 • Whether frontage requirements were being properly applied.
- 120 • Whether open space requirements could be met given the amount of wetlands on the
121 property.
- 122 • Whether the proposal complied with cluster development provisions under the zoning
123 ordinance.
124

125 Ms. Lafferty requested greater clarity before the Board considered any approval.

126 **Susan Lloyd- 22 Trundle Bed Lane, Kensington, NH**

127 Mrs. Lloyd submitted extensive testimony addressing the Special Exception criteria.

128 She expressed concerns regarding:

- 129 • Public safety and emergency access.
- 130 • Neighborhood compatibility.
131

- Preservation of Kensington's rural and historic character.
- Impacts to wetlands and natural resources.
- Concentration of homes and infrastructure on developable upland areas.
- Closure of access to existing nature trails.
- Impacts to recreational use and neighborhood character.

Mrs. Lloyd urged the Board to evaluate whether the proposal reflected the Town's long-term planning goals and stewardship values.

Mike Quinn-15 Stumpfield Road, Kensington, NH

Mr. Quinn questioned:

- Whether all abutters had received adequate notice.
- Whether the proposal more closely resembled a subdivision than a cluster development.
- Potential impacts to wildlife habitat.
- Emergency service access.
- Potential conflicts of interest.
- The precedent that approval might establish for future development.

Mr. Quinn requested a continuance to allow further review of the proposal.

Janet Bunnell-24 Osgood Road, Kensington, NH

Ms. Bunnell stated that she had recused herself because she serves as a trustee of Sawyer Park.

She confirmed that notice had been received by the Trustees and requested that the Conservation Commission be provided an opportunity to review and comment on the proposal before Board action was taken.

Notice Discussion

Chair Fenton requested confirmation regarding abutter notification.

Town Administrator Kathleen Felch confirmed that notices were mailed on July 28, 2026, satisfying the statutory notification requirements. Discussion followed regarding whether the notice period, while legally sufficient, provided enough time for abutters to seek professional advice.

Deliberations

Following public comment, the Board discussed several outstanding issues:

- Apparent inconsistency between the application and the applicant's stated intent regarding subdivision of the lot and cluster housing development.
- Possible need for one or more variances.
- Insufficient frontage.
- Lack of Conservation Commission review.
- Possible need for legal clarification from Town Counsel regarding ability to seek variance from a requirement of a special exception.
- Whether the proposal should instead proceed through the Planning Board subdivision process.

The Board reviewed a written request from the Conservation Commission seeking additional time to review the proposal.

Chair Fenton summarized the public concerns voiced during the hearing, including traffic, parking, road access, septic systems, wetlands, wildlife, emergency services, tree removal, rural character, runoff, and neighborhood compatibility.

Motion: To continue the public hearing until September 1, 2026, to allow:

- Review by the Conservation Commission.
- Clarification from Town Counsel.
- Further refinement of the application, if appropriate.
- Consideration of potential variance requirements.

Made by: Bill Ford

Seconded by: Joan Skewes

Vote: Unanimous Approval (3-0)

Result: Public Hearing continued to September 1, 2026.

New Business

Appointment Recommendation

The Board discussed recommending Peter Fowler for appointment as a ZBA Alternate Member.

Peter Fowler introduced himself and summarized his prior experience, including service as Chairman of the Seabrook Zoning Board and work on municipal boards and committees.

Motion: Recommend Peter Fowler to the Board of Selectmen for appointment as a ZBA Alternate.

Made by: Bill Ford

Seconded by: Joan Skewes

Vote: Unanimous Approval (3-0)

Result: The recommendation will now be forwarded to the Board of Selectmen.

Seconded and Approved Unanimously.

Adjournment

Motion to Adjourn

Made by: Bill Ford

Seconded by: Joan Skewes

Vote: Unanimous Approval (3-0)

Result: Meeting adjourned until September 1, 2026 where this application will be continued. The meeting adjourned at approximately 8:30 PM.

Meeting minute approvals will be considered at the next meeting.

Respectfully submitted,

Kathleen T Felch