

Town of Newington, NH

ZONING BOARD OF ADJUSTMENT

Meeting Minutes – April 30, 2012

Call to Order: Chair Matt Morton called the April 30, 2012 meeting at 6:30 PM.

Present: Matt Morton, Chair; Ted Connors; Ralph Estes; John Frink; Steve Prefontaine; Planning Board Rep, Mike Marconi; Town Planner, Tom Morgan; and Jane Kendall, Recorder

Public Guests: Attorney, Bernie Pelech, John Chagnon, PE, Ambit Engineering; Todd Adelman, TWA, LLC; Donald Rohde with Westinghouse, Sarah and Vaughn Richardson with Richardson Electrical

Correspondence:

Town Planner, Tom Morgan passed out a letter from Rick and Dorene Stern, abutters to TWA, LLC property located at 521 Shattuck Way regarding their concerns that trees were removed before the plan was reviewed and approved by the Planning and Zoning Boards, and concerns that TWA's requests for variance that would create more pavement access nearer to the road which would impinge upon replacing the trees, create more runoff, as well as encroach on the surrounding wetlands.

Public Hearings:

A) Proposal by **TWA LLC** for variances to their property located at 521 Shattuck Way, Tax Map 7, Lot 3

Board Chair, Matt Morton opened the meeting with inquiries as to how the frontage of the building was determined, and if it had to be at the end of the building nearest Shattuck Way or if it could be along the side near the proposed entrance and parking lot. Board member, Ralph Estes said he thought it would make more sense for the frontage to be along the handicap entrance and parking lot. Town Planner, Tom Morgan said the application was submitted that way, and no questions had been raised with it being at the front when reviewed by the Planning Board. Chair Morton said the Planning Board never voted a determination, and Mr. Morgan said there are different points of view on frontage and so they concurred with the applicant.

Board member, John Frink inquired on the curb cut and bump out that the State created along the current frontage when they were working on Shattuck Way, and asked if it would always be there. Tom Morgan said the applicant is interesting in making it go away, but that would require a lot line adjustment by the Planning Board.

Attorney, Bernie Pelech came before the Board to discuss the application for variances, and said they had made several changes to the plans to reduce impacts after a site walk review with the Board the week before. The changes proposed included moving the end doors at the back from the wetlands to the end of the side near the parking lot.

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Pelech said they also proposed to change the front paving plan to crushed gravel. John Chagnon with Ambit Engineering said they would be using low impact grass pavers, which use a plastic honeycomb structural base to support occasional equipment delivery at the street end of the building. Chair Morton asked if the pavers would be permeable, and Chagnon said they would. Tom Morgan said grass pavers are a good alternative to pavement, but they are still considered a structure that would require a variance. Morgan asked if the grass pavers would be visible, and Chagnon said they would not be visible. Morgan also asked how often they would be driven upon, and Todd Adelman said rarely.

Regarding the variance requested for the setback at the side yard. Tom Morgan noted that although the first plan had more parking lot space than driveway, and that driveway access is exempt, parking lots are still considered structures that require variances.

Morgan also pointed out that they would be 15 feet from the neighboring property and the applicant would need to go before the Planning Board to request a waiver.

Further discussion ensued regarding the request for pavement for setback from the wetlands. Tom Morgan noted that the Conservation Commission requested a 100-foot setback if the wetlands draining into an estuary is considered contiguous, but only required a 50 foot setback if not. Because there was some ambiguity because the building was on the lot before the wetlands were there. Chair Morton said the ZBA would follow the Conservation Commission's recommendation, which had approved the 50-foot setback.

Ralph Estes moved to accept the applicant's request for variance "A" on the TWA, LLC property at 521 Shattuck Way, Tax Map 7, Lot 3 as discussed. Steve Prefontaine seconded the motion. After John Frink took the Board through the five criteria for approval, all members voted in favor of the variance.

Ralph Estes moved to accept a variance "E" for pavement setback variance from 50 feet to 37 feet on TWA, LLC property at 521 Shattuck Way, Tax Map 7, Lot 3. Steve Prefontaine seconded, and all were in favor.

Ted Connor moved that completion of the project be made within 18 months, or to return to the Board for an extension. Ralph Estes seconded, and all were in favor.

B) Request by **Westinghouse** for variances from Article VI (structural setbacks) and Article XIII (expansion of a non-conforming structure) in order to install a new motor starting variable frequency drive (VFD) at 178 Shattuck Way, Tax Map 20, Lot 3.

Vaughn Richardson with Richardson Electrical presented plans for Westinghouse to install a new VFD inside a protective structure at their Shattuck Way plant. Richardson said this power equipment would be run four to five times a year, and would prevent voltage dips during testing.

Town Planner, Tom Morgan asked if they had contacted the Fire Chief, and Richardson said they had arranged for a meeting. Morgan said the Planning Board would require a memo from the Fire Chief.

Tom Morgan noted that they would not need a variance for a non-conforming structure.

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Ted Connors moved to approve the expansion of a non-conforming structure. John Frink seconded, and all were in favor.

Adjournment: Mike Marconi motioned to adjourn. Ralph Estes seconded, and all were in favor. The meeting adjourned at 7:15 p.m.

**Respectfully
Submitted by:** Jane K. Kendall, Recording Secretary