

Town of Newington, NH

ZONING BOARD OF ADJUSTMENT

Meeting Minutes – December 16, 2013

- Call to Order:** Chair Matt Morton called the December 16, 2013 meeting at 6:30 PM.
- Present:** Matt Morton, Chair; Ted Connors; Ralph Estes; John Frink; Planning Board Rep, Justin Richardson; Town Planner, Tom Morgan; and Jane Kendall, Recorder
- Public Guests:** Paul Bogan with Sea-3; Steve Haight with Haight Engineering; Attorney Alec McEachren; Linn Libel with Appledore Marine; Ted Reed with Sprague Energy; Attorney Bernie Pellet; Brian Short Denis Hebert; Rick and Doreen Stern; Joey Cresta with the "Portsmouth Herald"
- Correspondence:** Chairman Morton read a letter of resignation from former Alternate, Justin Flynn
- Minutes:** *Ted Connors moved to accept the Minutes of the September 30, 2013 meeting. Ralph Estes seconded the motion, and all members voted in favor.*

1) **Public Hearings:** Request by **E.F. Mooney & Associates, Inc.** to increase the area of their attached signs from 148 square feet to 210 square feet where the Zoning Ordinance allows no more than 150 square feet on the front of the building. Their property is situated at **436 Shattuck Way, Tax Map 7, Lot 12.**

Mr. Ted Mooney came before the Board to inquire if it would be possible to grant a variance for one of his tenants, Sperry Tent who had an existing 210 square foot sign. Mr. Mooney said the combination of tenants in his building had used up the allowable signage space.

Board members asked a series of questions regarding the kinds of business that were leasing space in the building from Mr. Mooney. Mr. Mooney said there were five different and some of them had small signs and some had large signs.

Mr. Mooney said he was considering telling his tenants that he would prorate their allowable sign space based on the square footage of their lease if he was not able to get the variance. Mr. Richardson considered whether the Board might consider granting a temporary variance for a temporary hardship for Sperry Tents until Mr.

Mooney could get the tenants to adjust the size of their signs, but Chairman Morton said it was a hardship that was created as a result of inequitable allotment of available sign space. Mr. Estes said he was also concerned that granting such a variance would set precedence with other business owners who wanted larger signs, which would not be fair to previous applicants that had been denied.

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*Ralph Estes moved to **deny** the request by **E.F. Mooney & Associates, Inc.** to increase the area of their attached signs from 148 square feet to 210 square feet where the Zoning Ordinance allows no more than 150 square feet on the front of the building. Their property is situated at **436 Shattuck Way, Tax Map 7, Lot 12** seconded, and the motion was **denied unanimously** for the following reasons:*

- That granting the variance would be contrary to the public interest when others were required to follow the ordinance
- That it was the spirit of the ordinance to follow the rules
- That substantial justice would be served by maintaining compliance to the ordinance
- Values to surrounding properties would not be diminished by denying the request
- Following the ordinance would not create a hardship because the building owner could adjust the size of the tenants signs to make more space available to the Speary Tents

Nominations:

Chairman Morton said the Board needed a vice chair in case he was not able to attend a meeting.

John Frink nominated Ted Connor to be vice chair. Ralph Estes seconded, and all were in favor.

Discussion:

Mr. Richardson discussed the importance of Board members not meeting before meetings and discussing Board business. Mr. Frink said he would have not problem swearing at a deposition that Board business was not being discussed during any chance social meeting of Board members. Chairman Morton agreed that they had never been accused of discussing Board business before meetings, and there were no grounds for any such accusation.

Mr. Connors asked why the building at the beginning of Shattuck Way that abutted the DOT staging site still had a paper sign blowing in the wind. Chairman Morton said they were probably given a year to get a permanent sign up. Mr. Morgan said John Stowell, the building inspector gave out sign permits.

Next Meeting: Monday, December 30, 2013

Adjournment: *John Frink motioned to adjourn, and Ralph Estes seconded. All were in favor, and the meeting adjourned at 7:15 p.m.*

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary