

Town of Newington, NH  
Board of Adjustment Meeting Minutes  
Thursday March 28th, 2024

**Present:** Chair Jennifer Kent Weiner, Member Emily Savinelli, Member Bob Byrnes, Alternate Meaghan Wayss, Town Planner John Krebs, Attorney Keri Roman, Applicants Lenore and Chris Franklin, Patterson Lane Residents; Norman Leclerc, Larry Haas, Deborah and James Byrd, Jeff Lundgren and Eleanor Boy, Recorder.

J. Kent Weiner called the meeting to order at 6:30pm.

J. Kent Weiner said that alternate Zoning Board of Adjustment member Meaghan Wyass will be seated as full member for this meeting.

J. Kent Weiner explained that the applicant has agreed that although The Zoning Board has a quorum tonight, but not a full board, they have agreed to let the Board proceed agreed.

J. Kent Weiner welcomed everyone to the March 28th, 2024 public hearing and meeting of the Newington, NH Board of Adjustment. The Board will hear one applicant tonight that is asking for two variances.

The procedure that the Zoning Board of Adjustment will employ is as follows:

After the petitioner has presented the case, those who wish to speak in favor of the petition shall be given one opportunity to speak.

When all those in favor of the petition have been given an opportunity to speak, those opposed will speak, and anyone with a question may ask for clarification.

Following this, those in favor of the application shall have one opportunity to rebut, and when that phase is finished, those opposed will have one opportunity to rebut.

When speaking, please announce your name and organization. If you are a Newington resident, please state your name and address.

In addition, the following general rules apply:

- All questions shall be directed through the Chair. Please no private conversations between board members or the audience as this can be very distracting.

- 44 • Please refrain from discussion of personalities and please keep in mind that  
45 this is a hearing, not a trial or a debate.  
46  
47 • On its own motion, the ZBA may continue either the public hearing or the  
48 board’s deliberations to another date. The ZBA may also elect to confer with  
49 its legal counsel about a case.  
50  
51 • The Chair will announce when the public hearing is closed.  
52  
53 • The Chair will announce that all comments from the floor will be disallowed  
54 while the Board deliberates on the case. The Chair requests no conversations  
55 from the audience during Board deliberations.  
56  
57 • The Board will ask questions of the applicant and will be polled by the Chair  
58 on each of the 5 criteria.  
59  
60 • The Chair will ask if the Board is ready to vote after discussion of the 5 criteria.  
61 The Secretary, immediately following the vote, shall read aloud the name of  
62 each member and how that member voted. The Secretary shall record the vote  
63 by member name on the original application or other medium suitable to  
64 public inspection. Votes on motions, appeals for variance decisions, and  
65 appeals on administrative decisions shall be by hand or voice vote at the  
66 discretion of the Chair.  
67  
68 • The Board will either approve the application, approve with conditions, deny  
69 the application, continue the public hearing, or continue its deliberations on  
70 the application to another meeting date. Notice of the decision will be made  
71 available for public inspection within five (5) business days, as required by  
72 RSA 676:3.  
73  
74 • After a decision has been reached, the Chair shall declare the hearing on the  
75 case completed.  
76

77 J. Kent Weiner said that the applicant is asking for two variances and the Board would  
78 be hearing each variance separately.  
79

80 **The variance application is for 90 Patterson Lane, LLC, 90 Patterson Lane, Tax Map**  
81 **14/Lot 6. The applicant seeks relief of Article VII, to construct an addition to the**  
82 **existing home +-9’ from the front property line where 40’ is required and from Article**  
83 **V to allow a 1,080 s.f. ADU where 1,000 s.f. is the maximum size permitted.**  
84

85 J. Kent Weiner opened the public hearing on the set back variance request.  
86

87 Lenore and Chris Franklin explained that they love Newington and would like to retire  
88 here and thought that a one-bedroom ADU was a good solution. They decided to angle  
89 the ADU, as it is shown on the plans, to maximize their view of the water.  
90  
91 J. Kent Weiner asked if there were any members of the public that would like to speak  
92 in favor of this plan. There were none.  
93  
94 J. Kent Weiner asked if there were any members of the public that would like to speak  
95 that are opposed to this plan.  
96  
97 Norman Leclerc, 105 Patterson Lane, expressed concern that he hadn't seen any plans  
98 for this proposal. It would be helpful to have the plans displayed.  
99  
100 J. Krebs put the plan up on the bulletin board.  
101  
102 Larry Hass, 92 Patterson Lane, said that he is tired of looking at the "tired looking  
103 cottage" on that lot and is concerned with the curb appeal of the property.  
104  
105 Lenore Franklin said that they are required by the code to make the existing building on  
106 the lot fit in with the new ADU. They are planning on putting new siding on the old  
107 building that will match the ADU and will make better curb appeal. The shed on the lot  
108 will probably be removed. They will also be having some landscaping done to make  
109 the property more uniform. L. Frankling said that they are considering putting a fence  
110 up.  
111  
112 Jeff Lundgren, 97 Patterson Lane, said that he is opposed to this variance request  
113 because there is a 40-foot setback for a reason. Patterson Lane is too congested already  
114 and there are already two foundations on the property, there doesn't need to be a third  
115 one.  
116  
117 Norman Leclerc, 105 Patterson Lane, questioned what the bathroom facilities would be,  
118 and would they be tied into the current septic system.  
119  
120 Lenore Franklin said The ADU would use the current septic system. The system is  
121 designed for three bedrooms. The one bedroom in the ADU would be the third for that  
122 septic system  
123  
124 Deborah Byrd, 110 Patterson Lane, expressed her concern about additional renters on  
125 the property and asked if the Franklins would be living in the ADU year-round.  
126  
127 Lenore Franklin said that the zoning ordinance does not allow them to rent out the  
128 ADU.  
129

130 **B. Byrnes moved to close the public hearing. E. Savinelli seconded the motion. All**  
131 **were in favor.**

132  
133 B. Byrnes asked where the heated breezeway would be located and would it be  
134 connected to the ADU.

135  
136 C. Franklin said that the heated breezeway would connect the ADU to the existing  
137 house on the lot.

138  
139 J. Krebs questioned if the square footage of the vestibule was included in the 1,080  
140 square footage of the ADU.

141  
142 J. Krebs didn't agree with the survey that was done on the property because it is unclear  
143 if the connector square footage was included in the 1,080 square feet of the ADU. The  
144 drawings that were submitted didn't include the square footage of the front deck as  
145 part of the ADU or part of the setback variance request. J. Krebs suggested that before  
146 any variance is granted, they have the property resurveyed to exact measurements of  
147 the setbacks.

148  
149 J. Kent Weiner said that there are questions about the setbacks and like J. Krebs  
150 suggested to have the property resurveyed.

151  
152 B. Byrnes asked if the applicants would consider a new configuration for the ADU that  
153 would have the ADU have a larger connection to the existing house.

154  
155 C. Franklin said that they would go back and have it resurveyed to determine if the  
156 front lot line needs to be 15 feet or 40-foot frontage.

157  
158 B. Byrnes asked if all the abutters had been notified. J. Krebs said yes.

159  
160 M. Wayss also expressed concerns with the configuration of the ADU and thought there  
161 are better options available for the ADU on the property and agreed that a new survey  
162 needs to be done with better markers and measurements of the setbacks on the property  
163 and where the ADU is connected to the existing house. M. Wayss thought that they  
164 could get an ADU that would fit in the parameters that are required for an ADU.

165  
166 J. Kent Weiner asked if the applicants could present a justification for the ADU being  
167 1,080 instead of the 1,000 that is required.

168  
169 I. Franklin said that the 1,080 is a one bedroom and if they got rid of the 80 square feet it  
170 would be a zero-bedroom ADU. M. Wayss pointed out the other people have worked  
171 within the 1,000 square foot ADU limit and they have two bedrooms.

172

173 J. Krebs pointed out that on the drawing it says that there are 977 square feet of living  
174 area.  
175  
176 B. Byrnes would like a clarification on the breezeway.  
177  
178 J. Kent Weiner said that the Board needed a better plan.  
179  
180 K. Roman said that the maximum size for an ADU in Newington is 1,000 square feet  
181 and that includes all decks and connecting breezeway.  
182  
183 E. Savinelli said that she has concerns about the current shed on the property. The shed  
184 has a foundation and stairs and asked the applicants if they would consider getting rid  
185 of the shed. E. Savinelli agrees with B. Byrnes and thinks that there could be a better  
186 configuration for the ADU that would get it within the setbacks.  
187  
188 M. Wayss asked if it would be possible to do a site walk on the property.  
189  
190 K. Roman said that when an applicant files an application they give members of the  
191 Board to go on the property.  
192  
193 J. Krebs said that there are tenants on the property, but could set up a site walk for the  
194 Board.  
195  
196 E. Savinelli asked about another structure located on the property.  
197  
198 C. Franklin said that it is a plastic storage shed.  
199  
200 J. Kent Weiner said that J. Krebs has looked at other town's ADU square foot policies  
201 and found out that Newington's ADU square footage is generous at 1,000. Many other  
202 towns have much smaller square footage for their ADUs, between 300-500 square feet.  
203  
204 J. Kent Weiner asked for a straw vote of the Board on the two requested variances. All  
205 four members said no.  
206  
207 J. Krebs explained that the way that New Hampshire works is that applicants are only  
208 able to apply for a variance one time. If they are denied they can not come back again  
209 for the same variance. However, the applicant can withdraw their application and  
210 submit a new application.  
211  
212 **Lenore and Chris Franklin decided to withdraw both variance requests.**  
213  
214 K. Roman outlined the Boards concerns for the application.  
215 

- A new survey to address the decks and include those in the setbacks

- 216 • Clarify the boundary with the private right of way/setback (15 feet not 40 feet)  
217 • Make a decision about the breezeway and if it is included in the 1,080 square feet  
218 for the ADU  
219 • Layout the structure more specifically on the lot, include the decks as part of the  
220 1,000 square feet and have a total square footage on the plan  
221

222 J. Krebs suggested that they also include, in their proposal, their plans for removing the  
223 shed on the property.  
224

225 **Minutes Approval:**

226 **E. Savinelli moved to approve to February 22, 2024 minutes as written. B. Byrnes**  
227 **seconded the motion. All were in favor.**  
228

229 The Board decided to add a link to the video of the meeting to the minutes.  
230

231 The Board discussed their next training session.  
232

233 **Adjournment: E. Savinelli moved to adjourn at 7:35pm. M. Wayss seconded the**  
234 **motion. All were in favor.**  
235

236  
237 Respectfully submitted,  
238 Eleanor Boy, Recorder