

Town of Newington, NH

ZONING BOARD OF ADJUSTMENT

Meeting Minutes, Monday, January 3, 2022

- Call to Order:** Chair Matt Morton called the January 3, 2022, meeting at 6:30 p.m.
- Present:** Vice-Chair Ralph Estes; Bob Byrnes; John Frink; Edna Mosher; Alternate Board member, Kathy Latchaw; Town Planner John Krebs and Recording Secretary Jane Kendall
- Absent:** Alternate Board members, Will Gilbert and Derick Willson
- Public Guests:** William Blatt, Jr.; Jeff and Nell Ann Hiatt; Brendon McNamara, residential designer with Ross Engineering

1) Request by **William H. Blatt, Jr.** for a variance from Article X to allow the construction of a new home closer than 100' from the shore of Little Bay on property located at **76 Little Bay Road, Tax Map 9, Lot 6.**

Brendon McNamara, residential designer with Ross Engineering stated that the applicant, Bill Blatt had purchased the property, and intended on demolishing and replacing the existing house with a new house.

Mr. McNamara stated that quite a bit of the existing house, and septic were already in the 100-foot setback, and the applicant intended on moving the house and septic out of the 100-foot setback, but wanted to build a covered open deck 90 feet from the setback.

Mr. McNamara reviewed the criteria for granting the variance, stating that the new structure would not diminish existing property values, and removal of the dated structure would improve the surrounding property values.

Mr. McNamara stated that granting the variance would not be contrary to the public interest, because moving the leach field and septic outside of the 100-foot buffer was in the public interest of protecting the functionality of the wetlands.

Mr. McNamara stated that denial of the request would result in an unnecessary hardship for the owner because the conditions of the property was that it was a smaller lot with limited depth from the 100-foot setbacks that distinguished from other properties.

Mr. McNamara stated that the lot at 42 Little Bay Road also had limited depth, and the house built in 2016 with civil work done by Ross Engineering was built within the 100-foot setback.

Chair Morton asked who owned and maintained the paved road leading to house. The abutters, Jeff and Nell Ann Hiatt at 80 Little Bay Road replied that they owned the paved road. Mr. Hiatt stated that they had a maintenance agreement that they would pay their portion of maintenance.

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Mr. Hiatt stated that their septic system pipe ran under the driveway, so they would like to work with the abutters because it was a tight space.

Ms. Hiatt said one of the driveways shown on the plan had been removed 13 years prior.

Town Planner, John Krebs stated that the applicant's property had a water well, and needed to bring municipal water from the road to the new house.

Chair Morton asked if the applicant was building the house with the intention of selling, and Mr. Krebs replied that the applicant currently lived in town, and planned on staying.

(The applicant, Bill Blatt arrived at this point in the meeting at 6:44 p.m.)

Board member, Edna Mosher asked if there was any alternative to avoid the variance request, such as removing the porch. Mr. McNamara replied that the porch was only breaching the setback by ten feet, and he believed the request met the criteria based on the non-conformity of existing house on the lot.

Ms. Mosher said they were not building on the existing footprint, so she didn't see the hardship. Mr. McNamara responded that they were not required to, but were substantially improving the existing lot use by pulling the existing septic back, and reducing the house footprint by 800 square feet, which they were not required to do, and placing the open porch 10 feet into the 100-foot setback was the applicant's only request for the non-conforming lot.

Board member, Bob Byrnes asked if the proposed porch was on piers, and commented that the porch would extend to the slope, and he was concerned with erosion. Mr. McNamara replied that the slope was remaining at 10%, and the grade change was only 43 feet from 46 feet from Great Bay.

Mr. McNamara added that the applicant wouldn't have enough room to turn his vehicle around if they moved the garage back any further.

Board member, John Frink asked how many bedrooms were in the existing house. Mr. McNamara said there were two, and the new house would have three in the basement, and one on the upper floor.

Chair Morton asked Mr. Hiatt if they found the proposal acceptable, and Mr. Hiatt replied that they would love to see the current house removed, and replaced. Mr. Hiatt added that his concern was with work the prior owner had done, which caused runoff into the valley, and required them to do preventative maintenance after their walkway washed out four times.

Abutter, Nell Ann Hiatt went on to say that they had spent a lot on erosion control, and placed a gravel pile between the properties to prevent the runoff. Mr. Hiatt added that no one would want the gravel pile in their yard, so they would appreciate it if the owner dealt with the runoff before it got to the gravel pile.

Mr. McNamara stated that he wouldn't have a landscaping plan until they received approval, but runoff from the house would go to stone retention area, and a green space should act as absorption. Mr. McNamara added that the driveway would be crushed stone before it arrived at the front of the house.

Vice-Chair Estes asked if they could guarantee that no additional runoff would flow to the abutters. Mr. McNamara replied that the building code regulations stipulated that no additional runoff from new structures could flow to abutting properties.

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Mr. Krebs noted that Mr. Byrnes had asked about driveway setbacks. Mr. Krebs stated that the driveway regulations required a 15-foot setback, and the Newington Planning Board would need to review the curb cut request.

Mr. Krebs noted that there already was a building within the 100-foot setback to Great Bay, and the applicant did have some grandfathered rights that they were trying to take advantage of, as well as showing a good effort to move the house and septic back.

Mr. Hiatt said they would love to have a better-looking house next door, and agreed that the applicant's proposal was doing a good job of pushing the new house further away.

Mr. Byrnes said he was looking for ways to shift the placement of the house. Mr. McNamara responded that they could develop over the existing foundation footprint, and chose not make improvements on the site.

Chair Morton said he understood the concern that the proposed porch was a personal preference that might create a precedence for others.

Mr. Blatt stated that he supported protecting the shoreline, and he was requesting the variance to enjoy the view from the porch, and to allow maneuvering of his vehicle in and out of the garage.

Mr. McNamara said building an energy efficient house on the Bay was costly, but they were trying to take a balanced approach between the location of the property and building, with the house further from the neighbors, and the septic on the north side, while considering the applicant's needs.

Chair Morton asked if the septic system had been approved. Mr. McNamara replied that it had been approved by the State for the previous owner, and they were staying within those confines. Vice-Chair Estes pointed out that the approval may have been for a two-bedroom house. Chair Morton noted that the applicant would need approval for a new septic for a four-bedroom house.

Mr. Hiatt commented that the old septic system may have been outdated and poorly functioning, and moving the leaching area would be an improvement that mitigates and justified the minor impact.

Mr. Frink agreed that the improvements outweighed the impact.

Ralph Estes made a motion to grant the request by William H. Blatt, Jr. for a variance from Article X to allow the construction of a new home closer than 100' from the shore of Little Bay on property located at 76 Little Bay Road, Tax Map 9, Lot 6, no closer than 89.9 feet to edge of Great Bay as shown on the plan as submitted, and the existing structures to be removed before new construction began. John Frink.

Chair Morton said he was not comfortable voting without the correct plan. Mr. Krebs agreed that the drawing should be accurate. Mr. Krebs suggested that they revise the plans to accurately show the correct driveway, remove the triangle, remove the absent shed, and show the Hiatt's septic system line shown for Dig Safe.

Mr. Frink commented that many applicants only submitted sketches without accurately engineered plans for variances. Chair Morton agreed, but said this was a more extensive change to the existing parcel.

Chair Morton said the conditions should also address runoff to the abutters, and Mr. Byrnes and Ms. Mosher agreed. Mr. Krebs recommended a swale or something so runoff

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wouldn't be directed to abutters on either side of the lot. Mr. McNamara stated that Ross Engineering could do a stormwater management plan.

Ralph Estes withdrew the motion. John Frink seconded the motion, and all approved.

Mr. Krebs advised the applicant to correct the drawings to accurately reflect all the current site conditions, the missing building, the relocated triangle of the driveway, the portion of the looped driveway on the Hiatts', the location of the Hiatts' septic line for Dig Safe, and the status of septic approval. noted that the proposed house couldn't go in if the septic system couldn't be approved.

Edna Mosher moved to continue the hearing to Monday, January 21, 2022. Ralph Estes seconded the motion, and all were in favor.

2) Other Business and Discussions:

Chair Morton stated that he had served on the Board for 25 to 30 years, and wanted to announce resignation. Vice-Chair Estes said he would be leaving too. Mr. Krebs asked if they would hold off until the next meeting when they had finished hearing the continuation.

Chair Morton stated that he had informed the Board of Selectmen, and they would have to appoint someone else.

Minutes: *Edna Mosher made a motion to approve the Minutes of November 15, 2021, meeting. Kathy Latchaw seconded, and all were in favor.*

Adjournment: *Bob Byrnes moved to adjourn the meeting. Kathy Latchaw seconded, and the meeting adjourned at 7:37 p.m.*

Next Meeting: Monday, January 24, 2022

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted by the Zoning Board of Adjustment at their January 31, 2022 meeting.