

Call to Order: Chairman Matt Morton called the meeting to order at 7:02 P.M. Board members present were Edna Mosher, Vincent Frank, Ralph Estes, Richard Ford, Chair, Matt Morton and Town Planner, Tom Morgan.

Correspondence: There was no correspondence to report.

Minutes: Edna Mosher moved that minutes be accepted with corrections, Estes seconded, motion carried.

Public Hearings:

A) Request by Astoria Properties LLC and Tyco for property located at 100 Shattuck Way, Tax Map 27, Lot 1:

- 1) A variance to allow office and/or medical clinic use in the General Industrial Zone where Article V, Section 5 of the Zoning Ordinance prohibits such use;
- 2) A variance to allow a lot size of approximately 70,000 sq. ft. where Article VI of the Zoning Ordinance requires a minimum lot size of 200,000 sq. ft.;
- 3) A variance to allow a paved parking lot to be set back 10 feet from the Industrial Corridor Road (Shattuck Way) where Article VI-A of the Zoning Ordinance requires a setback of 50 feet;
- 4) A variance to allow a paved parking lot to be set back from the rear lot line less than the 50 foot setback required under Article VI of the Zoning Ordinance;
- 5) A variance to allow a building to be set back 300 feet from the Industrial Corridor Road (Shattuck Way) where Article VI-A of the Zoning Ordinance requires a setback of 75 feet;
- 6) A variance to allow a building to be set back 12 feet from a side lot line where Article VI of the Zoning Ordinance requires a setback of 50 feet; and
- 7) A variance to allow a building to be set back from the rear lot line less than the 50 foot setback required under Article VI of the Zoning Ordinance.

Gregory Kirsch, Tyco's authorized agent with Astoria Properties came before the Board representing Astoria and Tyco. He came with an outline of request. Advised the Board that he had come before the Planning Board to propose building in vacant Industrial Lot. Tyco is under economic pressure to stop spending money to maintain the deRochemont house by generating case revenue by selling its excess land holdings. The house is no

longer of use to Tyco. Astoria proposes to save and renovate the House by moving it to

the adjacent land at the corner, and adapting and expanding the House for office use. Doing this would free up the larger parcel of land for industrial development, consistent with Newington's Master Plan. The corner parcel is small and odd-shaped. The high cost to move and renovate the House would require that the total building size be expanded to generate sufficient revenue to provide a return on the investment.

Kirsch outlined some changes to setback requests of the original request. #3. Setback would be 25 feet instead of 10 feet. #4. 9 ft. instead of 17 ft. #5. 50 ft. instead of 30 ft. # 7, requesting 15 ft.

Astoria has a medical office that requires about 11,000 sq. ft. of office space. This medical practice would acquire the property if the project receives the approvals and variances needed to complete the move and renovations as proposed. Astoria is asking the Board of Adjustment to grant the requested variances. They will also need approval of the National Historic Resources. The House was originally built in 1882 and in 1942 deRochemont gutted and made the building into a very nice house. The Federal Historic Society requires very detailed information regarding history. The proposal submitted with two lots, one 1.6 acre and one 8.41 acre Industrial lot. Astoria would come back with zoning proposal for the Industrial lot.

The proposed site for office use was presented to the Planning Board for discussion. The Board was receptive to preservation of the House. Planning Board asked that Astoria go back to Tyco for approval to move House back to allow setback to be closer to requirement. Tyco has agreed. House setback would then be 50.3 feet, however, between the porch and the front of the building that would bring the setback to almost 65 ft. Astoria is working with Whole Life Health Care, currently using space in the Old Beane Farm. Whole Life is very interested in keeping the House as it is to maintain its historical Status. Kirsch pointed out that Great Bay Commons, across the road is only 25 ft. back.

Board members had questions for Mr. Kirsch. He stated that the proposal was to keep the House as it is as much as possible. Ford applauded the efforts to save the House. Liked the idea of using a tree line to separate from the Industrial Zone. There was a question of how zoning could be changed. Morgan stated the Board couldn't change zoning, but applicant was asking for a use variance. Ford questioned why applicant wanted to go to all the trouble of moving the House, why not level the building? Kirsch responded, moving the house will have an adverse effect on the historic value, however, demolishing the building would really have an adverse effect.

Comments were than opened to the Public. Amy Combs, owner, of Whole Life stated the goal was to leave the House as is. They love the house, it really meets their needs. Gail Pare, Chair of the Historic Committee pointed out that Louie deRochemont was eligible for National Register. Felt this proposal made a nice gateway to the Industrial area. Area use to be farm land. There was more discussion regarding the House and its location. A

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comment was made if house were to fall apart, what would happen? Applicant would have to build something new and need all new variances. Kirsch stated that every effort

was going to be made to move the House successfully with as little damage as possible. Barbara MacDonald, representing the Conservation Commission stated she supported the request. She felt that this request was a fine example of meeting variances. David Choate, representing Whole Life said the medical group had outgrown its space and have been looking for over a year. He said no everyone would be willing to move into a building like this one. Board member asked why they didn't move to another location out of the Industrial Zone. Applicant feels this is an ideal location for their medical office. It was also reiterated that Tyco is under a lot of pressure to do something with this land.

Comments from the Public were closed. Board felt the most important criteria was that this proposal was in the public's interest. Mosher commented that applicant's credibility was proven with the Great Bay Commons proposal. Applicant did everything they said they would do.

Kirsch commented in terms of the process of going through criteria, Board could rely on the written document in the record. It outlined step by step the criteria, the Board could rely on everything in the record. Morgan felt it would be a good idea to put the document in the record. Chair Morton commented that he had never had so many people in the public in agreement. Also liked the idea of submission of Plan.

There was discussion regarding process of going through variance requests. It was determined that requests could be covered in two motions. Item #1 would be one motion and items 2-7 would be another motion. Mosher moved that variance #1 to change to office in Industrial Zone be approved, Vincent seconded. Motion carried. Mosher made a motion to accept variance requests 2 - 7 as applicant has outlined in Plan B and Ford's comments, Vincent seconded. Motion carried.

B) Request by Harry Sanborn and Joyce Libby for property located at 148 Old Dover Road, Tax Map 19, Lot 16:

- 1) A variance from Article VI of the Zoning Ordinance to permit a proposed garage to be less than 30 ft. from the side line;
- 2) A variance from Article VI of the Zoning Ordinance to permit a proposed house addition to be less than 75 ft.. From the road; and
- 3) A variance from Article XIII of the Zoning Ordinance to permit the expansion of a non-conforming structure.

Harry Sanborn, representing Joyce Libby presented the Board with a rough draft of the proposal to build new garage and put an addition to the current house. He asked that draft be put into the record. Board members had several questions for the applicant. Mosher

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questioned why the garage couldn't be moved closer to the house. Ford questioned why

applicant didn't want the garage attached to the house. Applicant stated they did not want to asphalt over the sewer and water lines. There was more discussion regarding the garage, shed and driveway. Vincent commented the property had not been surveyed so there was no way to verify numbers. Morgan pointed out, that in terms of numbers, Building Inspector would be there to verify the numbers. There was more discussion regarding the survey, where lot lines were, etc. Board discussed need for clearer proposed numbers. Draft presented had several different numbers that made it difficult to identify what was being requested. The chair recommended that the applicant submit a plan with clear numbers.

Vincent made a motion not to accept plan as presented, Estes seconded, motion carried. Ford suggested that applicant have a clearer plan and submit documentation of numbers. Applicant will present requested documentation to the Board on October 2, 2006.

Mosher moved to adjourn, Vincent Seconded, motion carried. Meeting adjourned at 8:55 P.M.

Respectfully submitted,

Sandra W. Sweeney, Secretary