

Call to Order: Chairman Morton called the meeting to order at 7:00 P.M.
Board members in attendance: Ralph Estes, John Frink, Mike Marconi,
Edna Mosher, Chair: Matt Morton and Town Planner: Tom Morgan

Correspondence: None

Minutes: Edna Mosher made a motion to approve the minutes of 9/29/08.
Ralph Estes seconded, motion carried.

Public Hearing: A request by Todd Adelman for the following:

- A. A variance from Article IV Section 10 of the Zoning Ordinance in order to allow the construction of two buildings on one lot; and
- B. A variance from Article X Section 7 of the Zoning Ordinance in order to allow the construction of two buildings less than 100 feet from wetlands, and to allow the construction of a parking lot less than 25 feet from wetlands.

Representing the request was Todd Adelman, applicant, Attorney Pelech, John Chagnon, Engineer and Kelly Davis, Architect.

Attorney Pelech outlined the applicant's plan for the property and criteria needed to approve variances. Town Planner advised Board that they should be thinking of other variances necessary for these requests. Applicant will need setback variances for both buildings proposed.

John Frink asked how many parking spaces there would be. Response was that there would be 175 parking spaces.

Edna Mosher asked reasons for two building. Applicant said larger building would not be constructed in the near future. The plan for that building would probably be for offices. The first would be a small building that would provide an opportunity for him to relocate his business (Trade Wings) from Pease Tradeport. His business involves distribution of cell phones.

The meeting was opened to the Public.

Doreen Sterns, an abutter, stated she felt the owner was conservation-wise and that they had worked with them to assure the operation would not be in their face. Felt it was a reasonable compromise.

(1)

Edna Mosher commented it would be nice if the driveway for the business was away from the Stern's driveway. Chairman Morton stated this would be a Planning Board issue and would only involve Zoning if there was a variance request.

Mike Marconi told the Zoning Board that the Planning Board wanted them to know that they (the Planning Board) had met with the applicant several times. They had several proposals from the applicant. The applicant has also been working with the Conservation Committee. Planning Board asked Mike to let the Zoning Board know that both felt it was a plan that was acceptable and should go to the Zoning Board.

Meeting was closed to the Public at 7:30 PM.

The Chair asked if there were further comments from the Board. Ralph Estes was concerned that they would be opening a can of worms allowing two buildings on one lot. Chair said he was not positive that would happen. The Board is required to look at each request individually and base decision of request on facts presented. John Frink inquired as to the size of the property. Applicant replied that there were eleven acres. An office building requires three acres.

After more discussion, Marconi asked if the Board could deal with both requests as one. Morgan advised that it was better for the Board to do the requests separately.

The Chair asked if the Board was ready to act on the requests. Mosher moved to accept request for variance from Article IV Section 10 of the Zoning Ordinance in order to allow the construction of two buildings on one lot; Frink seconded. Estes still had issue with two buildings on one lot. After more discussion, Frink went through the five criteria:

1. Request would not result in a decrease value of surrounding properties.
2. Granting request would not be contrary to public interest.
3. Denial would result in a hardship to applicant - yes.
4. By granting substantial would be done - yes.
5. Request is not contrary to the spirit of the ordinance.

Motion carried.

Frink moved to approve request for variance from Article X Section 7 of Zoning Ordinance to allow construction of two building less than 100 feet from wetlands, and to allow construction of a parking lot less than 25 feet from wetlands; Mosher seconded.

(2)

Frink went through five criteria to include effect as it pertains to Boccia.

1. Request would not result in decrease of value of surrounding properties.
2. Granting request would not be contrary to public interest.
3. Denial would result in a hardship to applicant - yes.
4. By granting substantial justice would result - yes.
5. Request is not contrary to the ordinance.

There was a question of clarification of use of remaining acres. Attorney Pilich advised Board that remaining property had been deeded over to the Town of Newington for identification as Conservation land.

Motion carried.

Estes moved to adjourn meeting; Marconi seconded. Motion carried.
Meeting adjourned at 7:45 P.M.

Respectfully submitted,

Sandra W. Sweeney
Secretary, Town of Newington Zoning Board