

Town of Newington, NH
ZONING BOARD OF ADJUSTMENT

Meeting Minutes, Monday, May 9, 2016

- Call to Order:** Chair Matt Morton called the May 9, 2016 meeting at 6:38 p.m.
- Present:** Chair Matt Morton, Vice-Chair Ted Connors, Jim Weiner; Interim Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Ralph Estes and John Frink
- Public Guests:** Attorney Alec McEachren; Sea-3 Operations Manager, Paul Bogan; Planning Board members, Chris Cross and Ken Latchaw

- 1) **Public Meeting:** Request from Sea-3 for a six (6) month extension of the variances granted by the Zoning Board of Adjustment on November 25, 2013 for their property at Tax Map 14, Lot 2 and Tax Map 20, Lot 13.

Chair Morton announced that this was a public meeting for an extension on a request that had already been granted.

Attorney Alec McEachren and Sea-3 Operations Manager, Paul Bogan appeared before the Board to request an extension on former variances to allow the expansion of conforming use on two lots that had no frontage, and to allow a pipeline setback.

Attorney McEachren said the variances were granted in November of 2013 and were good for two years, but then they received a letter notifying them of a pending litigation that would affect the use of the variances. He said they applied for site plan approval and the City of Portsmouth appealed the approval and the appeal was settled in Superior Court in December 2015.

Attorney McEachren said they were requesting a six-month extension within the settlement of the litigation to exercise the variance for good cause because of the complexity of the project and the sophisticated engineering work required before breaking ground. He added that the engineering design work has begun, but the applicant was reluctant to spend several hundred thousands of dollars on engineering until the litigation settled.

Attorney McEachren said they expected the engineering work to be completed shortly, but were not certain they would be able to submit the building permit by June,

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which was another reason they were trying to protect their rights by requesting an extension.

Ted Connors moved to grant the request from Sea-3 for a six (6) month extension of the variances granted by the Zoning Board of Adjustment on November 25, 2013 for their property at Tax Map 14, Lot 2 and Tax Map 20, Lot 13, Jim Weiner seconded the motion.

Chair Morton asked who the engineering company would be and Sea-3 Operations Manager, Paul Bogan said they had been working with one company for four to five months, but they needed more detail for a building permit and they had put the remaining engineering work out to bid for a final decision.

Chair Morton asked the applicant if they were sure six months would be enough time and Mr. Bogan said he thought it would.

Chair Morton called the motion and all were in favor.

2) Discussion: on **Article XVI Administration** of the Newington Zoning Ordinance (NZO) by Interim Planner, Gerald Coogan.

Interim Planner, Gerald Coogan said wanted to bring the recent changes to the Zoning Ordinance to the Board's attention for reading.

Vice-Chair Connors commented that he was upset to discover so many changes on the ballot during Town Elections that had never been discussed with the ZBA. Mr. Coogan responded that he thought he had shared the changes with Chair Morton. Vice-Chair Connors replied that he was just bringing it to everyone's attention, but was not trying to find fault with anyone in particular.

Chair Morton commented that he had not seen the result of the votes and Vice-Chair Connors said he had. Mr. Coogan stated that it was a strong two-thirds majority vote, but agreed that he should have met with the ZBA to discuss the changes prior to the vote.

Board member, Jim Weiner noted that a memo on current proposals and topics was prepared for the Planning Board and he had proposed passing the memo on to the Conservation Commission to keep topics on their radar and suggested passing it on to the ZBA as well. He added that he would also like to see a similar memo written and shared with each board. Chair Morton replied that he hadn't heard of such a memo, but would appreciate being included.

Minutes: *Jim Weiner moved to approve the Minutes for the March 21, 2016 meeting. Ted Connors seconded, and all were in favor.*

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Next Meeting: TBD

Chair Morton asked Mr. Coogan if they needed to set another date for additional requests coming up. Mr. Coogan said there had been a request for a tattoo parlor in the Fox Run Mall, but a consultation with the Planning Board counsel, Attorney John Ratigan determined that it was not an allowed use.

Discussion ensued regarding possible dates that members could attend and would not conflict with the Planning Board's second and fourth Monday of the month meetings. Chair Morton said he would check with Board members about a tentative date of Monday, June 20, 2016 and let Mr. Coogan know.

Adjournment: *Ted Connors moved to adjourn the meeting. Jim Weiner seconded the motion and the meeting adjourned at 7:00 p.m.*

**Respectfully
Submitted by:** Jane K. Kendall, Recording Secretary