

Town of Newington, NH
ZONING BOARD of ADJUSTMENT

Meeting Minutes, Monday, April 1, 2013

Call to Order: Board Chair, Matt Morton called the April 1, 2013 meeting at 6:30 PM.

Present: Ralph Estes, John Frink; Planning Board Rep, Mike Marconi, Town Planner, Thomas Morgan, and Jane Kendall, Recorder

Absent: Ted Connors

Public Guests: Attorney, R. Timothy Phoenix; John P. Lorden, PE with MSC Civil Engineers; and R.J. Garowski from Planet Fitness Corporate Headquarters

Minutes: ***Matt Morton moved to accept the Minutes of February 4, 2013. Ralph Estes seconded, and all were in favor.***

Ralph Estes moved to accept the Minutes of February 25, 2013. Mike Marconi seconded, and all were in favor.

Public Hearing: Request by Planet Fitness and MMC Fox Run, LLC for a variance from Article XIII to allow the expansion of a non-conforming structure at 3 Fox Run Road, Tax Map 26, Lot 2

Attorney, R. Timothy Phoenix came before the Board on behalf of Planet Fitness' request for a variance. Attorney Phoenix said they did some research, but couldn't find any documentation on why the building was built with only a 23-foot setback - whether the ordinances were different, or a variance had been requested. Attorney Phoenix read through his February 21, 2013 Memo to the ZBA describing the project, and then went through his responses to the Five Criteria for granting a variance.

Matt Morton asked Planning Board representative, Mike Marconi what the Planning Board thought of the project. Marconi said the Planning Board had no problems with the changes, and that the applicant would return to the Planning Board on April 8, 2013 for their public hearing.

Matt Morton asked if there would be an increase of employees with the expansion, and R.J. Garowski from Planet Fitness said there would be an increase of about 30-40 new employees.

Mike Marconi asked the applicant if they were aware that the exit from Spaulding Turnpike onto Fox Crossing would be cut off with the Spaulding Turnpike Expansion project. Mr. Garowski said they were aware that they would need to come up from the mall entrance.

Matt Morton asked about the catch basin sloping toward the building and if they would have a flat roof. John P. Lorden, PE with MSC Civil Engineers said they would not have a flat roof, and that they would be putting up a retaining wall to prevent drainage toward the building.

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John Frink asked if this is the local corporate headquarters, and Mr. Garowski said it is their worldwide headquarters, which includes Puerto Rico and Canada. John Frink then asked if the expansion would be adequate for their needs, and Garowski said it would. Garowski also said they own and lease to Chuck E. Cheese next door, and they could expand in that direction when their lease runs out if need be.

John Frink suggested the attorney's response to the Five Criteria was detailed, and asked if the Board could accept his explanation. Town Planner, Tom Morgan said they could.

John Frink moved to approve Planet Fitness and MMC Fox Run, LLC's request for a variance from Article XIII to allow the expansion of a non-conforming structure at 30 Fox Run Road, Tax Map 26, Lot 2, using Attorney Phoenix's justification of the Five Criteria as acceptable, and for the project to be complete within one year. Ralph Estes seconded the motion, and all were in favor.

Chair, Matt Morton informed the applicant that they could return to request an extension if they ran into a hardship that prevented them from completing the project within a year.

Adjournment: ***Ralph Estes moved to adjourn at 7 p.m. Mike Marconi seconded, and all were in favor.***

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary