

Town of Newington, NH
ZONING BOARD OF ADJUSTMENT

Meeting Minutes – Monday, November 26, 2012

Call to Order: Chair Matt Morton called the November 26, 2012 meeting at 6:30 PM.

Present: Matt Morton, Chair; Ted Connors; Ralph Estes; John Frink; Planning Board Rep, Mike Marconi; Town Planner, Tom Morgan; and Jane Kendall, Recorder

Absent: Steve Prefontaine

Public Guests: Michael Berounsky, Konstantin Routetski, Len Thomas, David Knight, and Dick Spinney

Minutes: Ted Connors motioned to accept the Zoning Board Minutes of August 14, 2012. Mike Marconi seconded the motion, and all members voted in favor.

Announcements & Discussions

Town Planner, Tom Morgan announced that the Planning Board would like to schedule a joint meeting for procedural discussions with the ZBA. Board Chair, Matt Morton asked if they had set a date, and Mr. Morgan said they had not, but that they usually meet on the second Monday of each month, and the next open meeting would probably be Monday, January 14, 2013.

Public Hearings:

1) Request by **John Frink** for a variance from Article XI Section 5 to allow a sign to be less than 40 feet from Nimble Hill Road; and a variance from Article XI Section 4 to allow an agricultural sign to be standing for duration in excess of six months. The Frink property is located at 272 Nimble Hill Road, Tax Map 17, Lot 8A

John Frink said he wanted to keep agricultural goods sign where it could be seen, and to keep it up for more than six months. Tom Morgan said the Planning Board had discussed a time limit and had not made a motion, but that it was posted and would go to Town Meeting for a vote, so it would be fine for the sign to remain while waiting for the vote. Mr. Frink said he needed a variance because his property line is at quite a distance from the right of way, and his sign would be "...in the hayfield." if he followed the rule.

Ralph Estes noted that the sign seemed close to the fire hydrant, and asked Mr. Frink if he had checked with the Fire Department. Mr. Frink said he had and they were all right with where it was placed.

Town of Newington, NH

ZONING BOARD OF ADJUSTMENT

Meeting Minutes – Monday, November 26, 2012

Board Chair, Matt Morton said he didn't see a problem with granting a variance, but would like to see the other freestanding ground sign combined into the one. Mr. Frink said that would be fine.

Ted Connors moved to grant a variance from Article XI Section 5 to allow John Frink's agricultural sign to remain where it is on his property at 272 Nimble Hill Road, Tax Map 17, Lot 8A, less than 40 feet from the road.

2) Request by **Michael Berounsky and the Roberta Berounsky Revocable Trust** for a variance from Article IV Section 10 in order to permit a second freestanding dwelling building at 30 Swan Island Lane, Tax Map 53, Lot 9.

Michael Berounsky came before the Board asking for a variance so that he could build a barn with living quarters on top 200 feet from his home. Mr. Berounsky did not have any plans prepared to present for the Board's review of the proposed location. Board Chair, Matt Morton asked Mr. Berounsky if an additional driveway would be proposed, and Mr. Berounsky said it would.

Town Planner, Tom Morgan reminded them that Article IV Section 10 says there can only be one dwelling on a lot unless an additional dwelling is attached. Chair Morton asked Mr. Berounsky why he wasn't proposing to build the structure closer to his existing home so he could attach it and not require a variance. John Frink agreed saying the only way people get around the ordinance is to connect separate dwellings with breezeways. Mr. Berounsky said it would have to be a 200' breezeway, which would be too long. Mr. Frink said he could look at putting the building closer to the house, and Mr. Berounsky said the land near his home is wet seasonally from a drainage swale, which would impact the building. Mr. Berounsky stated that he believed the Town required the swale be put in when the property was first developed, and he therefore thought the Town should correct the problem with drainage onto his property by moving the stream flow to a neighboring lot or the Bay. Chair Morton asked if his current house had a wet basement, and Mr. Berounsky said it did not. Tom Morgan said Michael Berounsky's father's original subdivision plan showed the stream was already there, and the Planning Board only requested that they be able to clear the stream if it became blocked to prevent water backing up onto the road. John Frink said he still has those Board meeting minutes from 1991 when the property was first subdivided.

Ted Connors said the Board should see a map showing the existing house on the lot, the wetlands and the proposed building. John Frink asked if the Board might take a site walk, and again, Mr. Berounsky said he would like the Town to address the drainage issue if they would not permit him to build 200' from his house. Ralph Estes said the ordinance is clear that only one dwelling on a lot is allowed unless it can be subdivided. Chair Morton said a six-acre lot is big enough to subdivide, but they would need 200' of frontage. Planning Board representative, Mike Marconi asked Mr. Berounsky if the deed allowed a subdivision, and Mr. Berounsky said it did not.

Chair Morton asked if there were any abutters present, and Konstantin Routetski said he had purchased an adjoining lot on Swan Lane from another member of the Berounsky family, and was assured that no other houses would be built within his view

Town of Newington, NH
ZONING BOARD OF ADJUSTMENT

Meeting Minutes – Monday, November 26, 2012

before he purchased the property. Chair Morton said he appreciated Mr. Routetski sharing his opinion, but the Board could not restrict someone from building a house on the basis of it blocking someone else's view. Chair Morton said they could however deny the request if there were other reasons such as insufficient information. Mr. Routetski asked how he would be notified if anything further was done, and Tom Morgan said abutters are always notified. Chair Morton recommended moving the question.

John Frink moved to grant the request by Michael Berounsky for a variance from Article IV Section 10 in order to permit a second freestanding dwelling building at 30 Swan Island Lane, Tax Map 53 Lot 9. Ralph Estes seconded the motion, and discussion ensued.

Mike Marconi said there was no plan showing where the building is proposed to go, and how the drainage problem impacts the area. Ted Connors agreed, and Chair Morton said the applicant could come back with a plan. Tom Morgan said the applicant could go to the Board of Selectmen regarding the runoff, but they needed to keep in mind that Henry Berounsky built the road, not the Town even if he was required to make the stream accessible to the Town for maintenance. Chair Morton asked the Board to vote on the motion after the discussion.

Mike Marconi moved the motion. No Board members voted in favor. All voted in the negative.

Mr. Berounsky asked why John Frink made the motion if he wasn't in favor of it, and Chair Morton explained that motions are put in the affirmative to move the question.

Mr. Berounsky said he would still like to get some relief from the drainage problem. Tom Morgan said he would need to speak to the Board of Selectmen. Mr. Berounsky asked for the name of the Town engineer, and Mr. Morgan said the Town uses consultants for projects, and doesn't have anyone on payroll

3) Request by **David Knight** for a variance from Article VI to allow the placement of a generator 5 feet from a side lot line at 365 Fox Point Road, Tax Map 4, Lot 4

David Knight came before the Board with a review of his property and said there was a 1,000-gallon propane tank buried with a line running under the driveway, and the generator would be behind the shed at the top of the hill away from his neighbors, the Akerley's who wrote a letter of approval. The generator would be 8 feet from the house and 10 feet from the tank. Ted Connors asked how big the generator was, and Mr. Knight said it was 30 kilowatts.

Mike Marconi moved to accept the request by David Knight for a variance from Article VI to allow the placement of a generator 5 feet from a side lot line at 365 Fox Point Road, Tax Map 4, Lot 4. Ralph Estes seconded, and all were in favor.

Adjournment: Mike Marconi motioned to adjourn. Ted Connors seconded, and all were in favor. The meeting adjourned at 7:30 p.m.

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