

Town of Newington, NH

ZONING BOARD OF ADJUSTMENT

Meeting Minutes – April 16, 2012

- Call to Order:** Chair Matt Morton called the April 16, 2012 meeting at 6:32 PM.
- Present:** Matt Morton, Chair; Ted Connors; Ralph Estes; John Frink; Steve Prefontaine; Planning Board Rep, Mike Marconi; Town Planner, Tom Morgan; and Jane Kendall, Recorder
- Public Guests:** Jeff Murray, CMA Engineering with David Clepper, Maintenance Manager for Georgia-Pacific;
Attorney, Bernie Pelech, John Chagnon, PE, Ambit Engineering, and Architect, Kelly Davis for Todd Adelman's TWA, LLC;
Rick Stern

Election of Officers

John Frink moved for Matt Morton to continue as Chair. Ralph Estes seconded, and all were in favor.

Minutes

John Frink motioned to accept the Zoning Board Minutes of February 27, 2012 with corrections as discussed. Ralph Estes seconded the motion, and all members voted in favor.

Public Hearings:

1) Request by **Georgia-Pacific** for variances from Articles VI & XIII of Zoning Ordinance to allow the construction of 620 sf canopy addition at the rear of building, less than 50 feet from lot line. Property located at 170 Shattuck Way, Tax Map 20, Lot 2.

Jeff Murray with CMA Engineering and David Clepper, Maintenance Manager for Georgia-Pacific came before the Board with their request to extend the fueling station canopy so a new station could be placed further from the building for safety reasons, and without having to put flame retardant materials on the building. Mr. Murray said the 1,000-gallon propane tank would remain in place, which would require piping fuel to the new station. Murray said they use and fuel 13 forklifts at the facility.

Board Chair, Matt Morton asked if the proposal had been run by the Fire Chief, and Murray said it had. Town Planner, Tom Morgan said the Planning Board approved of the plan so long as they requested a variance from the ZBA.

Ted Connors moved to grant Georgia-Pacific's request for variances from Articles VI & XIII of Zoning Ordinance to allow the construction of 620 sf canopy addition at the rear of building, less than 50 feet from lot line of property located at 170 Shattuck Way, Tax Map 20, Lot 2. John Frink said their request is in response to a safety issue

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and meets the five conditions for approval (see CMA Project Manager, Jeff Murray's March 12, 2012 letter attached). Steve Prefontaine seconded, and all were in favor.

2) A request by **TWA LLC** for five variances from the Zoning Ordinance on property located at 521 Shattuck Way, Tax Map 7, Lot 3 in order to permit:

- A) 4.4' front yard setback where Article VI requires 75'
- B) 12' rear yard setback where Article VI requires 30'
- C) 13.6' side yard setback where Article VI requires 30'
- D) pavement 16.8' from wetlands where Article X, Section 6 mandates no disturbance within 25'
- E) pavement 16.8' and 40' from wetlands where Article X, Section 7 requires 50' setback as recommended by the Conservation Commission

Attorney Bernie Pelech, John Chagnon, PE with Ambit Engineering and Architect, Kelly Davis came before the Board with plans for their request so they could gain access to delivery doors presently located at either ends of the existing building, noting land conditions put parts of the building in wetlands and garage entrance in buffer zones. John Chagnon, PE with Ambit Engineering said they were willing to remove some of the parking spaces to offset the wetlands impact, noting that the pavement was dedicated to access from the street to the rear doors, but that they were still considering using the front drive near the building.

Board member, Ralph Estes asked why the Planning Board requested the driveway change in the first place. Chagnon said they agreed to move the driveway at the Planning Board's request before they realized they need more relief for delivery flow.

John Frink said he was familiar with the building's history, and said he couldn't understand why they would need to use the end doors more than once after the manufacturing equipment is delivered. John Chagnon said TWA LLC needed to maintain access to the delivery doors as there were no guarantees how long the current tenant would lease the building, and what needs future tenants might have.

Frink asked why doors couldn't be installed facing the parking lot. Architect, Kelly Davis said the owner wants to take advantage of the existing frame cuts. Davis said the foundation slopes down from back to front, and the higher middle level will be used for a storage rack, and forklift passage, as well as needing stairwell egress to the second story office area. The lower level nearer to the Shattuck Way will be used for testing and some stock storage. Ralph Estes asked if they would be installing a cement pad to prevent forklift damage to the asphalt, and Davis said they would.

Chair Morton asked why they didn't tear the building down, and Davis said the building was still structurally sound, but they will be replacing the roof. Ted Connors asked how they would be improving the appearance of the building, and Mr. Davis said they would be installing energy efficient siding, new windows to take in the view of Great Bay, and windows on the south side for natural lighting.

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Chair Morton asked what they would be manufacturing in the building, and Davis said he believed they would primarily be manufacturing and testing filters for air cabins in airplanes. Morton asked why there were so many parking spaces, and Davis said they were planning ahead for maximum allowance in case the tenant changes at some time in the future.

Abutter, Rick Stern said the Planning Board requested that the driveway be moved for improved visibility and safety. Stern also expressed concern over the impact of storm water runoff from extra driveways, and asked if the Conservation Commission had made any recommendations. Tom Morgan said the Conservation Commission considered a 50-foot setback from the wetlands instead of 100 feet when the plan was presented to them, but said the Conservation Commission and he would still prefer that the delivery doors be on the parking lot side to avoid additional wetlands impact with more pavement. Ambit Engineer, John Chagnon said they would probably pitch the parking lot away from the wetlands and create a rain garden.

Matt Morton closed the public hearing and opened discussion up to the Board.

Ralph Estes said it seems like a lot of pavement, and thought deliveries could come in from the side without looping to the ends.

Mike Marconi said the Planning Board requested that the driveway be moved for safety, and believes that the delivery doors could be moved to the parking lots sides, and use the ends for stairway egress.

Steve Prefontaine said he understands wetlands and traffic safety concerns, but also understood the applicants concern with losing the space at the back with height for their storage rack system.

Board members said they had no idea the project required so many variances. Matt Morton said it would be helpful to have a site walk to see the issues discussed. Morton said he is concerned that the building might get sold or go unused if these problems are not resolved.

Ted Connors moved to table the discussion until after a site review scheduled on Tuesday, April 17, 2012. Steve Prefontaine seconded, and all were in favor.

Adjournment: Ralph Estes motioned to adjourn. Steve Prefontaine seconded, and all were in favor. Meeting adjourned at 7:30 p.m.

Next Meeting: Monday, April 30, 2012

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