

Town of Newington, NH  
ZONING BOARD OF ADJUSTMENT

Meeting Minutes – Monday, September 26, 2011

**Call to Order:** Chair Matt Morton called the September 26, 2011 meeting at 6:30 PM.

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

**Absent:** Ted Connors and Steve Prefontaine

**Public Guests:** Jason Smith, Barbara and Tom Devincenzo

**Minutes:** Mike Marconi motioned to accept the Zoning Board Minutes of August 1, 2011. Ralph Estes seconded the motion, and all members voted in favor.

**1) Public Hearing:** Request from **Jason Smith and Jennifer Carter** for a variance from the provisions of Article VI of the Zoning Ordinance in order to permit the construction of a garage 13 feet from a side lot line where the ordinance requires a minimum setback of 15 feet. The property is located at **392 Newington Road, Tax Map 51, Lot 11**.

Jason Smith came before the Board with his request to complete the building of a 40'x28' garage with a second story, no bath and no bedroom for which the foundation had already been poured. Board Chair, Matt Morton asked Mr. Smith why he hadn't moved the foundation over 2 feet in compliance with the setback ordinance, and Mr. Smith explained that the builder had used the pins in the front and back, but the site work and foundation were still off by 2 feet even though the building inspector had come back twice. Mr. Smith also said his neighbors, the Devincenzo's had recently had their property surveyed before installing a new fence, and thought the pins were correct. Board member, John Frink asked if there were any disputes as to where the property lines are, and was told by both Smith and the Devincenzo's that there were not. Board member, Ralph Estes asked the Devincenzo's if they had any problem with the placement of the garage, and they said they did not.

Board member, Mike Marconi asked Mr. Smith if there would be an overhang facing the Devincenzo's property, and Mr. Smith said he was planning on building two full dormers on each side with a 12 inch overhang. Marconi asked if the soil in the area was wet and if water from the roof would spill onto the neighbor's property. Mr. Smith said he has trouble with water in his basement, and could install a gutter and drywall to prevent runoff. Marconi said knowing that water is in the basement indicates that a

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gutter would be necessary, but that would add an additional overhang, encroaching on the neighbor's setback even more. Chair Morton asked the Devincenzo's if the additional overhang would be acceptable to them and they said it would be fine. Morton then closed the Public Hearing, and invited the Board for any additional comments.

John Frink moved to approve Jason Smith's request for a variance on the setback in building a garage at his property at 392 Newington Road, Tax Map 51, Lot 11 with the condition that any excess runoff be addressed with a gutter and possibly drywell, to be completed within one year, returning for an extension in one year if necessary. Mike Marconi seconded the motion. John Frink went through the ZBA's Conditions of Approval for Variance, and no problems were found to prevent the variance. All members voted in approval.

**Adjournment:** John Frink motioned to adjourn. Mike Marconi seconded, and all were in favor. The meeting adjourned at 7:25 PM

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