

Town of Newington, NH
ZONING BOARD OF ADJUSTMENT

Meeting Minutes – August 25, 2014

Call to Order: Chair Matt Morton called the August 25, 2014 meeting at 6:30 PM.

Present: Matt Morton, Chair; Ted Connors; Ralph Estes; John Frink; Jim Weiner and Jane Kendall, Recorder and Martha Roy, Town Administrator

Absent: Planning Board Representative, Justin Richardson (recused)

Public Guests: Newington Town Counsel, Attorney Walter Mitchell; City of Portsmouth Attorney, Jane Ferrini; Portsmouth Deputy Manager, David Allen; Attorney Alec McEachren; Paul Bogan with Sea-3; Pan Am Counsel, Robert Culliford; Attorney John Ratigan; Denis Hebert; Chris Cross; Justin Richardson; Edna Mosher; Richard DiPentimo

1) Public Hearings: The City of Portsmouth's appeal of the Newington Planning Board's decision to approve the **Sea-3** site plan for property located at **190 Shattuck Way, Tax Map 20, Lot 13, and Map 14, Lot 2.**

Town Counsel for the Board, Attorney Walter Mitchell said he had received a call from City of Portsmouth Attorney, Jane Ferrini that the City was filing a continuation. He said he told them that he wouldn't inform the Chairman unless she could tell him that was agreeable with Sea-3. He said he then heard from Sea-3's counsel, Attorney Alec McEachren that they had no objection to the continuance. He said he didn't know the details, but he was told the City had requested the continuance because they thought there was a possibility of the City and the developer reaching a resolution and then they would withdraw the appeal. Attorney Mitchell said it was up to the Board whether they wanted to grant the continuance. He recommended that the Board take a motion to continue the appeal and discuss it and set a date if it was granted.

Chairman Morton entertained a motion to continue the appeal.

Ralph Estes moved to continue the City of Portsmouth's appeal of the Newington Planning Board's decision to approve the Sea-3 site plan for property located at 190 Shattuck Way, Tax Map 20, Lot 13, and Map 14, Lot 2. Ted Connors seconded the motion.

Mr. Denis Hebert, Newington Planning Board Chair asked to speak and Chair Morton said they were in a motion. Mr. Hebert said they made the motion to continue another hearing without hearing from the public.

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The motion to grant the continuance was approved unanimously.

Mr. Hebert said the motion had already been made, but he thought there should have been an opportunity for public comment considering there were members of the public present. He said a lot of money had been spent and he thought people needed to know the purpose of the delay. He said he heard Portsmouth and Sea-3 were working on an agreement and he thought it was a disservice not to include Newington and Portsmouth residents in those discussions.

Chairman Morton said everyone read the appeal and they would like to consider the appeal without a lawsuit. Discussion on mutually available dates ensued. Chairman Morton said the Planning Board representative could not be present at the meeting. Board member, John Frink said he thought the meeting should not conflict with the Planning Board meeting so the Planning Board chair could be present as a member of the public for his input.

John Frink moved to continue the appeal to September 15, 2014. Ted Connors seconded and the motion passed unanimously.

Minutes: *No motion was taken to approve the Minutes of June 2, 2014.*

Adjournment: *Ralph Estes motioned to adjourn, and Ted Connors seconded. All were in favor, and the meeting adjourned at 6:45 p.m.*

Next Meeting: Monday, September 15, 2014

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