

Town of Newington, NH
Board of Adjustment Meeting Minutes
Thursday March 28th, 2024

Present: Chair Jennifer Kent Weiner, Member Emily Savinelli, Member Bob Byrnes, Alternate Meaghan Wayss, Town Planner John Krebs, Attorney Keri Roman, Applicants Lenore and Chris Franklin, Patterson Lane Residents; Norman Leclerc, Larry Haas, Deborah and James Byrd, Jeff Lundgren and Eleanor Boy, Recorder.

J. Kent Weiner called the meeting to order at 6:30pm.

J. Kent Weiner said that alternate Zoning Board of Adjustment member Meaghan Wyass will be seated as full member for this meeting.

J. Kent Weiner explained that the applicant has agreed that although The Zoning Board has a quorum tonight, but not a full board, they have agreed to let the Board proceed agreed.

J. Kent Weiner welcomed everyone to the March 28th, 2024 public hearing and meeting of the Newington, NH Board of Adjustment. The Board will hear one applicant tonight that is asking for two variances.

The procedure that the Zoning Board of Adjustment will employ is as follows:

After the petitioner has presented the case, those who wish to speak in favor of the petition shall be given one opportunity to speak.

When all those in favor of the petition have been given an opportunity to speak, those opposed will speak, and anyone with a question may ask for clarification.

Following this, those in favor of the application shall have one opportunity to rebut, and when that phase is finished, those opposed will have one opportunity to rebut.

When speaking, please announce your name and organization. If you are a Newington resident, please state your name and address.

In addition, the following general rules apply:

- All questions shall be directed through the Chair. Please no private conversations between board members or the audience as this can be very distracting.

- Please refrain from discussion of personalities and please keep in mind that this is a hearing, not a trial or a debate.
- On its own motion, the ZBA may continue either the public hearing or the board's deliberations to another date. The ZBA may also elect to confer with its legal counsel about a case.
- The Chair will announce when the public hearing is closed.
- The Chair will announce that all comments from the floor will be disallowed while the Board deliberates on the case. The Chair requests no conversations from the audience during Board deliberations.
- The Board will ask questions of the applicant and will be polled by the Chair on each of the 5 criteria.
- The Chair will ask if the Board is ready to vote after discussion of the 5 criteria. The Secretary, immediately following the vote, shall read aloud the name of each member and how that member voted. The Secretary shall record the vote by member name on the original application or other medium suitable to public inspection. Votes on motions, appeals for variance decisions, and appeals on administrative decisions shall be by hand or voice vote at the discretion of the Chair.
- The Board will either approve the application, approve with conditions, deny the application, continue the public hearing, or continue its deliberations on the application to another meeting date. Notice of the decision will be made available for public inspection within five (5) business days, as required by RSA 676:3.
- After a decision has been reached, the Chair shall declare the hearing on the case completed.

J. Kent Weiner said that the applicant is asking for two variances and the Board would be hearing each variance separately.

The variance application is for 90 Patterson Lane, LLC, 90 Patterson Lane, Tax Map 14/Lot 6. The applicant seeks relief of Article VII, to construct an addition to the existing home +-9' from the front property line where 40' is required and from Article V to allow a 1,080 s.f. ADU where 1,000 s.f. is the maximum size permitted.

J. Kent Weiner opened the public hearing on the set back variance request.

87 Lenore and Chris Franklin explained that they love Newington and would like to retire
88 here and thought that a one-bedroom ADU was a good solution. They decided to angle
89 the ADU, as it is shown on the plans, to maximize their view of the water.
90

91 J. Kent Weiner asked if there were any members of the public that would like to speak
92 in favor of this plan. There were none.
93

94 J. Kent Weiner asked if there were any members of the public that would like to speak
95 that are opposed to this plan.
96

97 Norman Leclerc, 105 Patterson Lane, expressed concern that he hadn't seen any plans
98 for this proposal. It would be helpful to have the plans displayed.
99

100 J. Krebs put the plan up on the bulletin board.
101

102 Larry Hass, 92 Patterson Lane, said that he is tired of looking at the "tired looking
103 cottage" on that lot and is concerned with the curb appeal of the property.
104

105 Lenore Franklin said that they are required by the code to make the existing building on
106 the lot fit in with the new ADU. They are planning on putting new siding on the old
107 building that will match the ADU and will make better curb appeal. The shed on the lot
108 will probably be removed. They will also be having some landscaping done to make
109 the property more uniform. L. Frankling said that they are considering putting a fence
110 up.
111

112 Jeff Lundgren, 97 Patterson Lane, said that he is opposed to this variance request
113 because there is a 40-foot setback for a reason. Patterson Lane is too congested already
114 and there are already two foundations on the property, there doesn't need to be a third
115 one.
116

117 Norman Leclerc, 105 Patterson Lane, questioned what the bathroom facilities would be,
118 and would they be tied into the current septic system.
119

120 Lenore Franklin said The ADU would use the current septic system. The system is
121 designed for three bedrooms. The one bedroom in the ADU would be the third for that
122 septic system
123

124 Deborah Byrd, 110 Patterson Lane, expressed her concern about additional renters on
125 the property and asked if the Franklins would be living in the ADU year-round.
126

127 Lenore Franklin said that the zoning ordinance does not allow them to rent out the
128 ADU.
129

B. Byrnes moved to close the public hearing. E. Savinelli seconded the motion. All were in favor.

B. Byrnes asked where the heated breezeway would be located and would it be connected to the ADU.

C. Franklin said that the heated breezeway would connect the ADU to the existing house on the lot.

J. Krebs questioned if the square footage of the vestibule was included in the 1,080 square footage of the ADU.

J. Krebs didn't agree with the survey that was done on the property because it is unclear if the connector square footage was included in the 1,080 square feet of the ADU. The drawings that were submitted didn't include the square footage of the front deck as part of the ADU or part of the setback variance request. J. Krebs suggested that before any variance is granted, they have the property resurveyed to exact measurements of the setbacks.

J. Kent Weiner said that there are questions about the setbacks and like J. Krebs suggested to have the property resurveyed.

B. Byrnes asked if the applicants would consider a new configuration for the ADU that would have the ADU have a larger connection to the existing house.

C. Franklin said that they would go back and have it resurveyed to determine if the front lot line needs to be 15 feet or 40-foot frontage.

B. Byrnes asked if all the abutters had been notified. J. Krebs said yes.

M. Wayss also expressed concerns with the configuration of the ADU and thought there are better options available for the ADU on the property and agreed that a new survey needs to be done with better markers and measurements of the setbacks on the property and where the ADU is connected to the existing house. M. Wayss thought that they could get an ADU that would fit in the parameters that are required for an ADU.

J. Kent Weiner asked if the applicants could present a justification for the ADU being 1,080 instead of the 1,000 that is required.

I. Franklin said that the 1,080 is a one bedroom and if they got rid of the 80 square feet it would be a zero-bedroom ADU. M. Wayss pointed out the other people have worked within the 1,000 square foot ADU limit and they have two bedrooms.

173 J. Krebs pointed out that on the drawing it says that there are 977 square feet of living
174 area.
175
176 B. Byrnes would like a clarification on the breezeway.
177
178 J. Kent Weiner said that the Board needed a better plan.
179
180 K. Roman said that the maximum size for an ADU in Newington is 1,000 square feet
181 and that includes all decks and connecting breezeway.
182
183 E. Savinelli said that she has concerns about the current shed on the property. The shed
184 has a foundation and stairs and asked the applicants if they would consider getting rid
185 of the shed. E. Savinelli agrees with B. Byrnes and thinks that there could be a better
186 configuration for the ADU that would get it within the setbacks.
187
188 M. Wayss asked if it would be possible to do a site walk on the property.
189
190 K. Roman said that when an applicant files an application they give members of the
191 Board to go on the property.
192
193 J. Krebs said that there are tenants on the property, but could set up a site walk for the
194 Board.
195
196 E. Savinelli asked about another structure located on the property.
197
198 C. Franklin said that it is a plastic storage shed.
199
200 J. Kent Weiner said that J. Krebs has looked at other town's ADU square foot policies
201 and found out that Newington's ADU square footage is generous at 1,000. Many other
202 towns have much smaller square footage for their ADUs, between 300-500 square feet.
203
204 J. Kent Weiner asked for a straw vote of the Board on the two requested variances. All
205 four members said no.
206
207 J. Krebs explained that the way that New Hampshire works is that applicants are only
208 able to apply for a variance one time. If they are denied they can not come back again
209 for the same variance. However, the applicant can withdraw their application and
210 submit a new application.
211
212 **Lenore and Chris Franklin decided to withdraw both variance requests.**
213
214 K. Roman outlined the Boards concerns for the application.
215 • A new survey to address the decks and include those in the setbacks

- Clarify the boundary with the private right of way/setback (15 feet not 40 feet)
- Make a decision about the breezeway and if it is included in the 1,080 square feet for the ADU
- Layout the structure more specifically on the lot, include the decks as part of the 1,000 square feet and have a total square footage on the plan

J. Krebs suggested that they also include, in their proposal, their plans for removing the shed on the property.

Minutes Approval:

E. Savinelli moved to approve to February 22, 2024 minutes as written. B. Byrnes seconded the motion. All were in favor.

The Board decided to add a link to the video of the meeting to the minutes.

The Board discussed their next training session.

Adjournment: E. Savinelli moved to adjourn at 7:35pm. M. Wayss seconded the motion. All were in favor.

Respectfully submitted,
Eleanor Boy, Recorder