

Town of Newington, NH

ZONING BOARD OF ADJUSTMENT

Meeting Minutes, Monday, March 6, 2017

Call to Order: Chair Matt Morton called the March 6, 2017 meeting at 6:35 p.m.

Present: Chair Matt Morton, Vice-Chair Ted Connors, Ralph Estes; John Frink and Jane Kendall, Recorder

Absent: Jim Weiner and Town Planner, Gerald Coogan

Public Guests: Mark Phillips

Public Hearings:

1) Request for a use variance from Article III, Section 2 of the Zoning Ordinance to allow a caretaker's apartment in the Office Zone by Northeast Medical Properties regarding property at 2299 Woodbury Avenue, Tax Map 19, Lots 9-1 and 12.

Chair Morton announced that the Board was down a member and asked if the applicant, Mark Phillips if he wanted to go forward with his request with only four members or wait until the next meeting in April. Mr. Phillips replied that he would go forward.

Mr. Phillips of Hodgson Farm Lane stated that he had two lots under agreement, one that was a long lot in the front and another that was an oblong lot in the back that was currently owned by Northeast Medical. He said that he would be going before the Planning Board with a request to combine the two lots.

Mr. Phillips said he was getting a curb cut from the Department of Transportation (DOT) as they realized that they had moved access down for Haugh and let no access for this lot, adding that there would be a right turn in and out after Haugh Storage.

Mr. Phillips went on to show where he was proposing to build the first storage building with an office at the front corner and an 800-square foot apartment for a full-time manager behind the office. Mr. Phillips said the grade at the front of the building was on ledge and dropped down at the back of the building. He added that there would be a 100-foot setback at the front to allow for large trucks entering.

Mr. Phillips said he was combining the two lots to making traffic flow easier and there would be another storage building along the other lot to the back.

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Mr. Phillips said the Planning Board didn't want a curb cut on Shattuck Way, but a large truck could exit out the back onto River Road. Board member, John Frink asked if Northeast Medical could use the private road at the back that connected to River Road to access and exit their business as well and Mr. Phillips said they could.

Mr. Frink asked how many bedrooms would be in the caretaker's unit and Mr. Phillips replied that it would be a two-bedroom apartment that would conform as an accessory dwelling unit. Vice-Chair Connors commented that 800 square feet seemed small. Mr. Phillips responded that it was, but he was dealing with limited dimensions and this was his best option. He said he felt a one bedroom apartment was too constraining for a caretaker staying on site 24/7.

Mr. Phillips said moving was stressful for people and it was helpful to have someone on site and it also prevented vandalism.

Board member, Ralph Estes asked where his other storage facilities were located and Mr. Phillips said he built the Eagle Storage chain, which he had sold out and now owned the Storage Barn in Dover as well as another storage facility in Epping. He said he thought he had built more storage facilities than anyone else in the state.

Chair Matt Morton asked if the storage facility would be heated or cooled and Mr. Phillips said he was considering constructing fire walls in the back section so he could avoid heating, which would require sprinklers, but he would check with the fire chief to be sure. Mr. Estes said he thought sprinklers were mandatory for storage. Mr. Phillips replied that he didn't know, but he would follow through on whatever the building inspector and fire chief required.

Chair Matt Morton asked Mr. Phillips if would have regular hours. Mr. Phillips replied that customers wanted to know that they could have access 24/7 and gates would be a problem so he would install down cast, dark sky compliant lighting and digital cameras to record the comings and goings of people.

Chair Matt Morton stated that Town Planner, Gerald Coogan recommended in his memo that the Board consider putting up a warrant article for a change of use and turning their decision over to Town Meeting. Vice-Chair Connors replied that the next Town Meeting was a year away before Mr. Phillips could be considered for his business plan.

Chair Matt Morton asked Mr. Phillips what he would do if the Board didn't approve his request. Mr. Phillips responded that to deny his request wouldn't be fair to Mr. Haugh because he would be calling every night to say something going on at his facility without an attendant.

Mr. Frink asked if caretakers were permitted in the Industrial and Waterfront Zones and Mr. Phillips replied that they were per an amendment that was passed in 2016, but the Board hadn't seen to mentioning them for other sites. Mr. Phillips said there had been a history of caretaker's dwellings in different zones in town that had come and gone over time and this site had previously been zoned Industrial.

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Mr. Phillips added that the caretaker's dwelling was only for purposes of security of the facility and could not be rented.

Chair Morton stated that Mr. Coogan's memo recommended that the Board ask what there was about the property that created a special condition. Mr. Phillips replied that the shape of the property and the terrain made it a difficult property to develop and this was the best use of property.

Mr. Phillips stated that the proposal would be in keeping with another storage facility nearby that also had an onsite caretaker's apartment.

Mr. Phillips said he was proposing a two-million-dollar facility that would enhance surrounding properties.

Ted Connors moved to grant the request for a use variance from Article III, Section 2 of the Zoning Ordinance to allow a caretaker's apartment in the Office Zone by Northeast Medical Properties regarding property at 2299 Woodbury Avenue, Tax Map 19, Lots 9-1 and 12. Ralph Estes seconded the motion for discussion.

Vice-Chair Connors noted that the back access and egress provided a good ingress and egress option from Woodbury Avenue during when traffic was busy.

Mr. Estes commented that the proposal fit well with the constraints of the lot and the only issue was the oversight in leaving out caretaker's residence where required for such a facility like the abutting storage facility that had a caretaker's apartment. Vice-Chair Connors agreed that a precedent had been set 25 years ago.

Mr. Frink went on to review the criteria for approval, noting that the proposal was in keeping of the Zoning Ordinance and the applicant planned on remediating another means of egress that would alleviate the impact of traffic on Woodbury Avenue from the odd-shaped, non-conforming lot.

Mr. Frink commented that allowing a caretaker on site for security would not be contrary to the public interest as it would enhance the value as a secure property for the customers.

Mr. Frink stated that he thought there was a case to be made that there was a hardship for this permitted use on this lot because of its shape and topography and what was most likely an oversight by the Planning Board considering the abutting storage facility was also served by a caretaker.

The motion carried and all were in favor.

2) A request by Roberta Berounsky for a use variance from Article II, Section 2 of the Zoning Ordinance to subdivide property located at 30 Swan Island Lane, Tax Map 53, Lot 9 into two lots with frontage of 200' on a Town right-of-way.

Chair Morton announced that the applicant requested a continuance and the hearing would be held on the first Monday of April 2017.

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Minutes: *Ted Connors moved to approve the Minutes for the August 29, 2016 meeting with corrections as noted. Ralph Estes seconded the motion and all were in favor.*

Adjournment: Ted Connors moved to adjourn. Ralph Estes seconded the motion and the meeting *adjourned at 7:15 p.m.*

Next Meeting: Monday of April 3, 2017

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

These Minutes were approved and adopted at the May 15, 2017 Zoning Board of Adjustment Meeting.