

Town of Newington, NH
ZONING BOARD OF ADJUSTMENT

Meeting Minutes – November 30, 2015

- Call to Order:** Chair Matt Morton called the November 30, 2015 meeting at 6:30 PM.
- Present:** Matt Morton, Chair; Ralph Estes; John Frink; Jim Weiner; Jane Kendall, Recorder
- Absent:** Vice-Chair Ted Connors and Town Planner, Tom Morgan
- Public Guests:** Attorney John McGee; Jerry Smith of Smith Design; Dave Emery

Public Hearings: **John Emery** requests that following variances from Articles VI, X and XIII of the Zoning Ordinance in regards to property situated at 170 Fabyan Point Road, Tax Map 50, Lot 2:

- 1) A side yard setback of 11.5 feet where 15 feet is required.
- 2) A setback of 54 feet from wetlands where 100 feet is required.
- 3) The expansion of a non-conforming structure.

Chair Morton informed the applicant that the Board was short one member and offered him the opportunity to postpone. Attorney John McGee, representing the applicant who was out of state, said they would proceed with the Board members present. He also apologized for missing the last meeting because they thought it was on a different night Mixed up at last meeting, thinking it was a Tuesday night not Monday night.

Attorney McGee said they appeared before the Board a couple months prior and were granted a variance for a porch. He said they also received a variance to put a deck at the back, which was 6' short from the corner. He said they were now seeking to extend the deck the rest of the way.

Board member, John Frink asked for clarification on map provided in the pack that appeared the same as the last request without showing the sideline or outline of the building or the new deck. Jerry Smith, building designer for the applicant said they were still asking for a 24' deck, but the previous proposal was off set off because they were trying to stay within the side yard setback. Mr. Frink said the map should have shown new deck.

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Board member Jim Weiner expressed dismay that the applicant was requesting another variance and there was trouble with the drawing

Mr. Smith said he dropped the new application and new plan off with the secretary at the front desk of the Town Hall office and interim planner, Jerry Coogan also asked for the drawings. Jane Kendall, administrative assistant for the Planning Department said she had been asked to print out copies of plans from an email from Mr. Coogan, but they didn't seem to be the same plans that Mr. Smith presented so she printed copies for Board members at that time. She noted that the application was dated October 23, 2015, but the note at the top said it was dropped off on November 30, 2015.

Chair Morton said he was not thrilled when applicants missed meetings and returned two weeks later with another plan. Board member, Ralph Estes said this plan was what they should have done the first time.

Mr. Frink said he was not pleased to be considering another variance for the same project either, but he thought the first request tried to respect the ordinance as much as possible so he didn't see that this request would make that much difference.

*John Frink moved to grant **John Emery's** request for the following variances from Articles VI, X and XIII of the Zoning Ordinance in regards to property situated at 170 Fabyan Point Road, Tax Map 50, Lot 2:*

- 1) *A side yard setback of 11.5 feet where 15 feet is required.*
- 2) *A setback of 54 feet from wetlands where 100 feet is required.*
- 3) *The expansion of a non-conforming structure.*

Ralph Estes seconded the motion.

Mr. Estes said there were no abutters nearby so granting the requests would do no harm.

Mr. Weiner agreed that a full-length deck would improve the appearance of the home.

Chair Morton discouraged the applicant from returning.

The motion passed unanimously with all in favor.

Minutes: *Ralph Estes moved to approve the Minutes of November 2, 2015. John Frink seconded the motion and all were **in favor**.*

Adjournment: *Jim Weiner motioned to adjourn and Ralph Estes seconded the motion. All were in favor and meeting adjourned at 7:05 p.m.*

Respectfully

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Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the February 29, 2016 Zoning Board of Adjustment Meeting.