

Town of Newington, NH  
ZONING BOARD OF ADJUSTMENT

Meeting Minutes, September 30, 2019

- Call to Order:** Chair Matt Morton called September 30, 2019 meeting at 6:28 p.m.
- Present:** Chair Matt Morton, Vice-Chair Ralph Estes; Edna Mosher; Alternate Board member, Cathy Latchaw; and Jane Kendall, Recorder
- Absent:** Board member, John Frink and Town Planner, Gerald Coogan
- Public Guests:** Samara Robertson; Emily Savinelli

1) **Public Hearing:** A request for reconsideration by **Matthew and Samara Robertson** for a variance from Article VII, Table VII-1 to allow a structure within 20 feet of the front setback where 40 feet is required at their property located at **183 Fox Point Road, Tax Map 11, Lot 18.**

Chair Morton informed the applicant and the Board that the meeting was for reconsideration, but not to present the request again, but the applicant could inform the Board if there were any major changes or new information since the last application.

Chair Morton said that the Board's legal counsel, Attorney Laura Spector-Morgan sent a letter stating that there was no basis for rehearing because the Board had already denied the variance request at their August 19, 2019 based on the fact that there were no conditions of hardship unique to the property that prevented them from placing their shed within the setback.

The applicant, Samara Robertson noted that several variance requests were listed in the 2018 Annual Town Report, and she thought that her request was trivial in comparison to several others that were more substantial.

Vice-Chair Estes responded that it was an apples and oranges comparison because most of the variances that were granted had special conditions that would prevent the use of the owner's property, but the Robertsons could still remove their shed from the property line, & put it within the setback.

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Board member, Edna Mosher agreed that they could put the shed elsewhere, and that granting a variance for a driveway or home enabled someone to use their property, but that was different than the placement of a shed.

Chair Morton told Ms. Robertson that she couldn't that the Board didn't deny other requests by looking at other approvals because there were others that had been asked to move or remove their sheds and other structures.

Ms. Robertson commented that that cutting trees and moving the shed further from Fox Point Road and closer to Old Post Road would have the same visual effect as where it had been placed toward the front. Vice-Chair Estes pointed out that the building inspector lets people know where they can or cannot put sheds. Ms. Robertson replied that she spoke to another resident nearby who told her that she didn't need a building permit, and it was frustrating to see others that put up sheds without getting variances. Ms. Mosher responded that the Board was not singling her out, but they were trying to follow the five criteria for granting variances and adhere to the Ordinance when possible.

Ms. Robertson noted that that their home was not on a conforming lot, and Ms. Mosher replied that the fact that the house currently had smaller, non-conforming setbacks that were grandfathered, didn't mean that they could ignore the setback requirements for a new structure. Ms. Mosher added that it was up to owners to know the conditions when they bought the lot, yet they went ahead and had the shed built without consulting with the building inspector.

Ms. Robertson said they were neighbors with frontage that were conscious of appearances, planted trees, and kept their yard neat, and she was frustrated that they had to move their shed further into their yard and lose their green space.

Chair Morton responded that the Board didn't blame her for trying to get a variance, but those were the regulations and it was denied. He said she could meet with the Board of Selectmen and the Planning Board to see with a petition to change the Ordinance that they established.

Ms. Robertson suggested that Town Planner, Gerald Coogan and Kevin Kelly, the building inspector do a better job of communicating what residents could or could not do. Chair Morton said he understood that the building inspector had stopped by and left his card with the builder telling him that a building permit was needed when he saw the building going up, and the builder should have ceased then and there.

*Edna Mosher moved to deny the request for reconsideration by Matthew and Samara Robertson for a variance from Article VII, Table VII-1 to allow a structure within 20 feet of the front setback where 40 feet is required at their property located at 183 Fox Point Road, Tax Map 11, Lot 18. Ralph Estes seconded, and the motion to deny passed with all in favor.*

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**Minutes:** Approval of the Minutes for the October 1, 2018, April 15, 2019, and the August 19, 2019 meetings were delayed until the next meeting.

**Adjournment:** *Matt Morton moved to adjourn. Edna Mosher seconded the motion and the meeting adjourned at 6:48 p.m.*

**Next Meeting:** TBD

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

DRAFT