

NOTTINGHAM
ZONING BOARD OF ADJUSTMENT
April 5, 2016

1 *Approved: April 19, 2016*

2 **Members Present:** Mike Russo, Chair; Bonnie Winona-MacKinnon, Vice- Chair; Peter
3 White, Teresa Bascom; Terry Bonser

4 **Members Absent:** Kevin Bassett, Alternate

5 **Others Present:** JoAnna Arendarczyk, Land Use Clerk; John Morin, Citizen; Peter
6 Landry; Surveyor; Jon Febonio, Applicant; Steve Febonio, Applicant; Rob & Tricia
7 Guerino, Applicants; Jim Soroko, Applicant; Jacquie Soroko, Applicant; Janice & Peter
8 Lyle, Abutters; John Morin, Joan M. LeBlanc, Abutter

9 **Call to order:** 7:00pm

10 **Motion made by:** Mr. Chairman to move agenda item; **Election of Officers** to the end of
11 the meeting.

12 **Seconded by:** Ms. Winona- MacKinnon

13 **Vote:** 5-0-0 **Motion Passed**

14 **Public Hearing Cases**

15 **Public Hearing Opened:** 7:01pm

16 **Case 16-002-VA-** *Applications from James & Jacqueline Soroko and Joan Morin*
17 *requesting a Variance from Article II Section C.1 of the Zoning Ordinance to permit the*
18 *transfer of land from one existing substandard lot (less than 2 acres) to another.*
19 *The proposed use of the property is residential. The Property is identified as Tax Map 63*
20 *Lot 67 & 68 and is located at 46 & 48 White's Grove Road Nottingham, NH 03290.*

21 Surveyor, Peter Landry, represented the applicants. He explained the plans and stated
22 that the applicants understand that they will need to go to the Planning Board for a Lot
23 Line Adjustment once the Variance is approved. Granting the Variance would allow a
24 new septic system to be placed farther from Lake Pawtuckaway. Mr. Landry then read
25 the responses to the criteria laid out in the application. *(In case file)*

26 **Public discussion:** None

27 **Motion made by:** Mr. Chairman to approve Case 16-002-VA as written.

28 **Seconded by:** Mrs. Bascom

29 **Vote:** 5-0-0 **Motion Passed**

30 The applicants were informed of the 30-day appeal period.

31 **Public Hearing closed:** 7:15pm

32 **Public Hearing opened:** 7:15pm

33 **Case 16-003-VA-VA-SE-** Applications from Robert & Patricia Guarino requesting:

- 34 • A Variance from Article II Section C.1.a of the Zoning Ordinance to permit relief
35 from the minimum contiguous frontage of 200' requirement.
- 36 • A Variance from Article II Section C.1.c of the Zoning Ordinance to permit relief
37 from the required 30,000' contiguous area lot envelope.
- 38 • A Special Exception from Article II Section C.2, of the Zoning Ordinance to
39 permit relief from the 50' setback requirement.

40 The proposed use of the property is to subdivide and add a single-family home. The
41 Property is identified as Tax Map 70 Lot 100 and is located at 15 Meindl Road,
42 Nottingham, NH 03290.

43 This case needs to have 3 (three) votes: one for each of the Variance's and one for the
44 Special Exception.

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Mr. and Mrs. Guarino represented themselves. Mrs. Guarino spoke about the plans.

Mr. Colby recommended the relief. (*Recommendation letter in case file*)

Mr. Chairman asked if this could be subdivided again.

Mr. Colby replied that there is a 4 (four) year limit, however it is not likely with the current owner but more likely if an abutter buys some of the land since its kind of land locked- it's also not really buildable terrain.

Public discussion: None

Vote #1: VA- Article II Section C.1.a-

Motion made by: Mrs. Bascom to approve the Variance from Article II Section C.1.a of the Zoning Ordinance to permit relief from the minimum contiguous frontage of 200' requirement.

Seconded by: Ms. Winona-MacKinnon

Vote: 5-0-0 **Motion Passed**

Vote #2: VA- Article II Section C.1.c-

Motion made by: Mrs. Bascom to approve the Variance from Article II Section C.1.c of the Zoning Ordinance to permit relief from the required 30,000' contiguous area lot envelope.

Seconded by: Mr. Bonser

Vote: 5-0-0 **Motion Passed**

Vote #3: SE- Article II Section C.2-

Motion made by: Mrs. Bascom to approve the Special Exception from Article II Section C.2, of the Zoning Ordinance to permit relief from the 50' setback requirement at no less than 20ft from the property lines of Lot100-A

Seconded by: Ms. Winona-MacKinnon

Vote: 5-0-0 **Motion Passed**

The applicants were informed of the 30-day appeal period.

Public Hearing Closed: 7:35pm

PH Opened: 7:36pm

Case 16-004-AA-

Application from Jonathan Febonio requesting an Appeal to an Administrative Decision requiring the total amount to be paid for the impact fee on a new home located at 66 Garland Rd. Nottingham, NH 03290 and identified as Tax Map 15 Lot 1.

Steve Febonio, represented his son, Jonathan Febonio. His son works in the Air Force at Pease International Trade Port. He needs to be near "Pease" for his job, which is why he is building the house for him in Nottingham. Due to the limited pay in the Air Force Steve Febonio is requesting the Zoning Board either waive the Impact Fee or require a lesser fee.

The Board members thanked the applicant for his service in the Military.

Mr. Chairman suggested the option of a fee payment schedule.

Mr. Colby and the Board members discussed the process for this option and whether the Applicant would have to go back to the Planning Board to set the fee payment schedule per the Ordinance. It was determined that he wouldn't need to.

Mr. Chairman informed the applicant that there is a chance that he would get some of the money back in 6 years if the monies collected do not get used.

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Mr. Colby said that as this is an Appeal to an Administrative Decision and in order to grant the request it needs to be determined that he made an error. There was no error made- he was following law. He provided the members of the Board a copy of the Building Permit, which has "Impact Fee Applies" on it. The applicant was made aware of this when filing for the Building Permit.

Jonathan Febonio asked if any of his taxes paid before living on the property could be applied to the Impact Fee (he thought he read a section of the Ordinance that stated something to that affect).

The Applicant was advised to speak with the Assessing Clerk regarding a military discount on his taxes. There are certain criteria to meet but it is an option to look into.

Motion made by: Mr. Chairman to deny the application for Case 16-004-AA.

Seconded by: Mrs. Bascom

Vote: 5-0-0 **Motion Passed**

Public Hearing Closed: 7:57pm

Public Meeting

- Election of officers

Chairman

Motion made by: Ms. Winona-MacKinnon to elect Mike Russo for Chairman

Seconded by: Mr. White

Vote: 5-0-0 **Motion Passed**

Vice-Chair

Motion made by: Mr. Russo to elect Ms. Winona-MacKinnon for Vice-Chair

Seconded by: Mr. White

Vote: 5-0-0 **Motion Passed**

The Land Use Clerk was asked to send the Board the By-laws to review for the meeting on April 19th.

Minutes

January 5th

Motion was made by: Mr. chairman to approve the meeting minutes as written.

Seconded by: Mrs. Bascom

Vote: 4-0-1- (Mr. Bonser was absent from the January 5th meeting) **Motion Passed**

Other Business

Mr. Colby gave the Board an update on a law change for Accessory Dwelling Units, this change will require a change to the Zoning Ordinance.

Mr. Chairman reminded the Board to look at the workshop options given at the Annual OEP Spring Conference.

Adjournment

Motion was made by: Mrs. Bascom to adjourn

Seconded by: Ms. Winona-MacKinnon

Vote: 5-0-0 **Motion Passed**

Adjourned at: 8:10 pm

Respectfully Submitted, JoAnna Arendarczyk; Land Use Clerk