

Nottingham
Zoning Board of Adjustment
September 20, 2016

Accepted: *October 4, 2016*

Members Present: Mike Russo, Chair; Bonnie Winona-MacKinnon, Vice- Chair; Teresa Bascom; Peter White, Kevin Bassett, Alternate

Members Absent: Terry Bonser

Others Present: JoAnna Arendarczyk, Land Use Clerk; Kosma & Joan Stamoulis, Applicants; Leonard L. Giles, Abutter

Call to order: 7:00pm

Alternate seated and voting: Kevin Bassett for Terry Bonser

Public Hearing Cases

Public Hearing Opened: 7:01pm

Case 16-008-VA

Application from Kasma and Joan Stamoulis requesting an Variance from Article II Section C.1(c) and C.2 of the Zoning Ordinance to permit a two (2) lot subdivision of 7.416 acres, for residential use. The property is located at 73 Gebig Rd in Nottingham, NH and is identified as Tax Map 17 Lot 30.

Mr. and Mrs. Stamoulis introduced themselves to the Board. They explained their plan to subdivide. However, to do so they need approval of the two (2) Variances.

Mr. Chairman asked the applicants about the discrepancy in the acreage on their tax cards which had 6.720ac. versus the acreage in their application of 7.416ac. When he recently drove by the property he noted fresh flagging.

The applicants replied that they had Mr. Landry survey the property- the correct acreage is 7.416ac. To their knowledge the property had not been surveyed but an official surveyor in the past. The tax card has the assessor's measurement.

After some debate the Board agreed to use the Surveyors 7.416ac measurement. They asked to have it noted to discuss with the Planning Board (PB) how they would like situations like this handled in the future. (*Noted for October 12th PB meeting*)

It was also noted that the plans the applicants gave the Board are not "official" because the applicants are seeking the approvals for the Variances first. Once they are approved the Surveyor will draw up the Subdivision plans with the approvals noted.

The Board agreed to discuss each Variance separately:

Variance for Article II Section C.2: 25' buffer requested for the wetlands vs. 50'

Mr. Chairman noted that the current house is already placed within the 25' buffer. He added that the "wetlands" are not really wetlands but a depression in the land that is wet about 1 month of the year.

It was mentioned that they plan to have separate driveways for each of the properties if the subdivision passes.

Variance for Article II Section C.1(c): Allowing less than 200'x 200' or 30,000sqft

The Board questioned the applicants about an area on the plan that was boxed off as though there may be a cemetery. The applicants stated that they are not sure what the area is but that the stone wall goes around it.

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The applicants stated that there is not a lot of elevation difference on the property. However the back of the lot has poorly drained soils as well as a few areas in the front. The applicants and the chairman believe the front poorly drained soil area is due to runoff from the roof.

Public discussion: Mr. Leonard Giles spoke to the Board expressing confusion about the location of the wetlands. He was concerned they may be on his side of the property. He added that he was not comfortable with the discrepancy on the acreage. Mr. Chairman informed Mr. Giles that everything is 150' from his property.

The Board noted that the 20' setback request on the right hand side is not necessary they feel it could be 50' and still get the needed 30K.

The Board cleared up Mr. Giles' concern by informing him that the new house would be built on the other side of the current house so it wouldn't affect him. However he still felt that more plans would be necessary to make an educated decision.

Mr. Chairman read the responses from the five criteria.

Mr. Chairman informed Mr. Giles that as an abutter the Board takes his testimony however it is the Boards job to make the decisions.

Mr. Giles stated that he understands and also knows that at the Planning Board meeting he would have further opportunity to speak as well.

Public Hearing Closed: 7:42pm

Mrs. Bascom stated that she is not comfortable with approving the requested Variances without more information. The plans provided gave little information regarding the wet areas especially how poorly drained they are and if they are like a vernal pool.

The Board discussed the setbacks further and agreed that the applicants meet the required criteria to be granted their requests, with one condition that the septic of the new house meet the 50' setback.

Mr. Chairman asked the Land Use Clerk to note a question for the joint ZBA meeting- Why the Town uses lot dimension instead of front and rear setbacks.

Mr. Bassett suggested the Board continue the case until further information can be provided with clearer lot lines and dimensions.

An idea to change the right hand lot line on the existing house lot to 50' was agreed on by the Board and the applicants. The Board wondered why the Surveyor outlined the plan the way he did. Mr. Bassett suggested waiting for two weeks to continue the hearing to get the explanations.

Public Hearing Reopened: 7:54pm

The applicants pointed out that there is a "country road" between their property and Mr. Giles. The applicants stated that Mr. Landry told them they may be able to get Mr. Giles to agree to give the 50% to the middle of the road.

Motion made by: Mrs. Bascom to "approve Case 16-008-VA from Kosma and Joan Stamoulis for a Variance from Article II Section C.1(c) and C.2 of the Zoning Ordinance to permit a two (2) lot subdivision of their 7.416 acres. With a condition that the request be changed from a 25' setback to 50' setback on the right hand side of the property (or eastern boundary) on Gebig Road."

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Mr. Bassett added that it “maintains a 30,000sq ft buildable area”

Mr. Chairman requested an addition which Mrs. Bascom state: “The new property (which would be to the left of the house) be required to have the septic within the 50’ setback on all sides and away from the wet or poorly drained soils.”

Seconded by: Mr. White

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

Public Hearing Closed: 8:04pm

Staff/ Board Members Update:

The Board discussed some clerical issues with the Land Use Clerk:

1. Resend the minutes as several board members had e-mail issues recently
2. Suggested to add a note to the Public Hearing notices about case documents being available on the Town’s website
3. Inform the Board when the case documents are uploaded to the website
4. Include decision sheets in the Board member’s binders do document the reasons for their decisions
5. E-mail the decision sheets to the Board members to review as it has been a while since they used them and they may want to edit the format

Minutes

June 21, 2016- Tabled

August 23, 2016-Tabled

Adjournment

Motion made by: Mr. White to adjourn

Seconded by: Mrs. Bascom

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

Adjourn at: 8:14 pm

For the Nottingham Zoning Board of Adjustment

JoAnna Arendarczyk; Land Use Clerk