

Nottingham
Zoning Board of Adjustment
October 4, 2016

Approved: October 25, 2016

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

Members Absent: Peter White, Terry Bonser

Others Present: JoAnna Arendarczyk, Land Use Clerk; Sonoma Potavin, Resident; Gary and Angela Potavin, Applicant; Diana M. Jackson, Abutter; Roscoe Blaisdell, Wetland Scientist/Land Surveyor; Joe Mokos, Abutter; Jason LaCombe, Architect; John Arnold, Attorney; Steven Musial, Abutter

Call to order: 7:00pm

- New Alternate Volunteer:

- Kathy Bowse was voted in by the Board:

Motion made by: Ms. Winona-MacKinnon to “appoint Kathy Bowse as an Alternate to the Nottingham Zoning Board of Adjustment.”(ZBA)

Seconded by: Mrs. Bascom

Vote: 4-0-0 **Motion passed**

- Sworn in:

- Kathy Bowse was sworn in by Ms. Winona-MacKinnon

Alternates seated and voting:

- Kathy Bowse for Peter White
- Kevin Bassett for Terry Bonser

Public Hearing Cases

Public Hearing Opened: 7:02pm

Case 16-009-VA- SE- Applications from Gary M. Potavin requesting:

- A Variance from Article III Section B.2 of the Zoning Ordinance to permit an addition with reduced wetland setbacks.
- A Special Exception from Article II Section C.2, of the Zoning Ordinance to permit a new septic system to be located within approximately 10’ from the front lot line.

The proposed use of the property is to build an addition onto the current family residence. The Property is identified as Tax Map 70 Lot 32 and is located at 6 Tuckaway Shores Road, Nottingham, NH 03290.

The applicant’s Attorney, Mr. John Arnold, introduced himself, the Applicant, Mr. Gary Potavin, the Surveyor, Roscoe Blaisdell and Jason LaCombe, the Architect.

Mr. Arnold suggested starting with addressing the Variance request.

Variance for Article III Section B.2: Mr. Blaisdell supplied the Board with large survey plans to view. Using the plans Mr. Arnold showed the Board members that the reason they are requesting a Variance is because the proposed garage comes within about 13.5’ of the edge of the Hydric B Soils.

Mr. Potavin then spoke to Board; He introduced his family and spoke to the plans for the proposed garage/living space. (See files narrative), adding the reason for the proposed addition is for additional living (a great room) with storage space and a 3 car garage. He stated that last

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December they moved from 3,000sq feet to about 900sq ft and have found that they need additional space as they have a 19 year old daughter, in collage, so they are a 3 car family and with another younger daughter they believe they will remain a 3 car family for a while. Mr. Blaisdell spoke as the Wetland Scientist, Land Surveyor and Septic Designer for this case. The wetland of concern is saturated a few months a year. There won't be any run off getting to the wetland because proper precautions would be taken i.e. Silt fence. The proposed new septic is about 150' and the addition is approximately 120' from the lake. Part of this project will need State Septic and Shoreline Approvals. However, the Variance is needed first to move forward with the necessary State Approvals. The wetland has Hemlock trees and no vegetation underneath the trees.

It was pointed out that the wetland is about 14' above normal lake level.

Mr. Arnold stated that a lot of effort went into determining the best location for the addition and new septic. This plan imposes the least impact on abutters, lake and wetlands. They are in fact only going about 13' into the wetland buffer. He also spoke briefly to the supporting information found in the file.

Mr. Chairman stated that he is concerned about the fact that there are no notes on the plans about low impact development practices. He's not as concerned about the encroachment to the wetland area during the development phase he is referring to the lifetime of the home. He added that the amount of lot coverage being well over 20% with the addition 18% currently, would result in difficulties when the plans go to the State.

Mr. Blaisdell stated that dry wells, gutters and such would be planned once the Variance is approved.

Mr. Chairman stated that a proposal of that would have been preferred on the plans presented at this meeting.

Mr. Blaisdell assured the Board that the proper practices would be made and that he has a 100% success rate with the State on plans like these.

A question on the need for the new septic was raised. Mr. Potavin stated that they currently don't need it, however, they decided to upgrade to current standards while in the construction phase due to the lack of information on the current system as there are no records on file.

Public Comments:

Joe Mokos, abutter, stated that he received approval for the same variance about 14 years ago. He added that he has no issues with the Potavin's plans.

Steven Musial, abutter, also stated that he has no issues with the Potavin's plans.

It was noted that there are abutters across Tuckaway Shores Road and they will not be impacted as the abutting property is a wooded area well before the home.

Mr. Chairman addressed the memo from the Building Inspector regarding the case. (In file)

Mr. Bassett asked for the reason for the proposed new septic's location. Mr. Blaisdell informed the Board that the rules for septic's have changed since the current septic was installed. For example the proposed septic has to be 10' away from the house and it will be designed to be driven on. The applicant's had decided that since they have to have a State approved septic plan

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on file when putting on an addition, and they would be digging up area on the property for the addition, it would be in their best interest to install an updated septic. Ms. Winona-MacKinnon wants the installation of the new septic to be required.

Mr. Chairman's main concerns are that the roof run off is maintained and that the Shoreland permitting is done, the applicants stated that they were comfortable with the approval having conditions for the installation of dry wells and rain gutters.

Motion Made by: Mrs. Bascom to "approve the application from Mr. and Mrs. Potavin for the Variance to Article III Section B.2 of the Zoning Ordinance to permit the addition of a garage/great room with the condition that there is the NH DES Shoreland permitting notation taken care of and that there be drywells – one or two as needed and gutters and a State approved septic system is installed."

Seconded by: Ms. Winona-MacKinnon

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

Special Exception from Article II Section C.2:

There is no plan on file for the existing system. The new system would be near the probable location of the existing system. It will be located as far away as the wetland location as possible. Details of the supporting information are in the file.

The main concern was the encroaching of the front setback from the road. The road is approximately 10' wide and there is still the 10' from the setback they plan to maintain. The lots across the street are not able to be subdivided.

Motion Made by: Mrs. Bascom to "approve the Special Exception on Article II Sect. C.2 of the Zoning Ordinance to permit a new septic system be located within the 10' property line on the Case #16-009-SE on Mr. and Mrs. Potavin property with the consideration that there be State approval for the septic."

Seconded by: Mr. Chairman

Vote: 4-0-1 **Motion Passed**

Public Hearing Closed: 7:52pm

Minutes

-June 21st

Minor edits were made

Motion Made by: Mr. Chairman to "approve meeting minutes of June 21st as amended."

Seconded by: Mrs. Bascom

Vote: 4-0-1 **Motion Passed**

-August 23rd

Discussion: The Board were informed that the Notice of Decisions are posted on the Board's webpage.

Motion Made by: Mr. Chairman to "accept meeting minutes of August 23rd as written."

Seconded by: Ms. Winona-MacKinnon

Vote: 3-0-2 **Motion Passed**

-Sept 20th

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121 Minor edits were made

122 **Motion Made by:** Mr. Chairman “accept meeting minutes of September 20th as amended.”

123 **Seconded by:** Mrs. Bascom

124 **Vote:** 4-0-1 **Motion Passed**

125 **Staff/ Board Members Update:**

- 126 • Decision Sheets (5 Criteria)
 - 127 ○ Suggested changes were made to improve the forms
 - 128 ▪ Quick example of topic explained and then lines for each
 - 129 ▪ Different ones for each application
 - 130 ○ Land Use Clerk will email edited versions for Board members to review
 - 131 ○ Will be discussed further at a future meeting

132 **Adjournment**

133 **Motion made by:** Mrs. Bascom to adjourn

134 **Seconded by:** Mr. Chairman

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

136 **Adjourn at:** 8:27 pm

137 For the Nottingham Zoning Board of Adjustment

138 JoAnna Arendarczyk; Land Use Clerk