

**NOTTINGHAM ZONING BOARD OF ADJUSTMENT**  
**April 16, 2019**

1 *Approved: May 21, 2019*

2 **Members Present:** Bonnie Winona-MacKinnon, Chair; vice-Chair; Teresa Bascom; Terry  
3 Bonser; Peter White; Realene Shippee-Rice

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

5 **Others Present:** JoAnna Arendarczyk, Land Use Clerk; Debora McLaughlin, Abutter; Mark  
6 Puffer, Attorney for Applicant; Peter C. Loeser, Applicant; John Morin, 23 Cove Rd.; Nan  
7 Vigers, Abutter

8 **Call to order:** 7:01pm

9

10 **Public Meeting**

11 Ms. MacKinnon seated as Acting-Chair until the election of officers.

12 **Chair**

13 **Motion Made By:** Ms. Shippee-Rice to nominate Ms. MacKinnon as Chair

14 **Seconded By:** Mr. Bonser

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

16

17 **Vice- Chair**

18 **Motion Made By:** Mr. Bonser for Mrs. Bascom as Vice-Chair

19 **Seconded By:** Mr. White

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

21

o Chair	Ms. MacKinnon
o Vice-Chair	Mrs. Bascom

22

23 **Public Hearing**

24 **Case 19-001-VA-** *Application from Peter Loeser and Joy V. Riddell, requesting a Variance from*  
25 *Article II Section C(1)(a) of the Nottingham Zoning Ordinance, to permit an attached ADU (690*  
26 *sq. ft.) on a private road. The property is located at 53 White's Grove Road in Nottingham, NH*  
27 *and is identified as Tax Map 63 Lot 81.*

28

29 Mr. White recused himself as he is an abutter.

30

31 Ms. MacKinnon read the procedures for the proceedings.

32

33 Mr. Loeser and Attorney Mark Puffer came forward to present the case. They agreed to move  
34 forward with their case with four members present rather than a full board.

35 Atty. Puffer asked for clarification if the previous case was not to be addressed. Ms. MacKinnon  
36 agreed.

37 The applicant scaled back his plan due to the concerns and comments from abutters at the  
38 hearings for the previous case. Atty. Puffer noted that the only criteria his applicant does not  
39 meet in the Zoning Ordinance is the frontage requirement. They have over 500' of frontage on a  
40 private road, not a class V or better road.

41 The bullet points Atty. Puffer highlighted:

42 • Emergency access has always been available

43 • The road is well maintained

44 • Proposal-go from a 4 bedroom home proposed to a 3 bedroom home with a one bedroom

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45 ADU

46 Atty. Puffer Read the criteria summary (file)

47 **Public Comment Opened: 7:13pm**

48 Debora McLoughlin- supports the proposed project with the proposed changes from the previous  
49 plan.

50 Peter White- presented document titled: TESTIMONY OPPOSED TO LOESER/ RIDDELL  
51 VARIANCE REQUEST (file)

52 He highlighted a few additional points:

- 53 • Property is less than 2 acres- not a conforming lot
- 54 • Site Plan is not reflecting the two (2) parcels
- 55 • Deed restriction to one residence
- 56 • Affect to police and fire access due to blocked portion of Shore Road
- 57 ○ Shore Road is a street per RSA 674:41 and a plat approved by the Town

58 Atty. Puffer- rebuttal:

59 Potential deed restrictions should not be taken into consideration

60 The mentioned “road closure” is a private way not a public way

61 That portion of Shore Road is owned by the Loeser’s- abutting land owner owns to the center  
62 line

63 Atty. Puffer reminded the Board that the Variance request is to building on White’s Grove Road  
64 not on Shore Road

65 The Fire Chief visited Mr. Loeser’s property per Mr. Loeser’s request, to determine safety. Fire  
66 Chief’s letter stated no safety concerns (previous case file)

67 Mr. White- rebuttal:

- 68 • Closing the loop makes it so the Fire Department would have to back the trucks up
- 69 • He would like the Fire Chief to speak to the issue
- 70 • Closing off Shore Road closes off historical access
- 71 • The ROW is on the resident’s deeds and is now closed off to the others

72 Ms. MacKinnon pointed out to Mr. White that the ZBA can only can address what is before  
73 them, which is the Variance request on White’s Grove Road.

74 Mrs. Vigars- 56 White’s Grove Road- Stated that her father- Webster built the house the  
75 Loeser’s now own. She stated that the Deed states ‘one residence’ because all other deeds say  
76 ‘one residence’. Regarding the Road ownership- when the Town merged lots with abutting lots  
77 of the same owners, the beach lot was merged with the wrong lot. Mr. Webster wrote to the  
78 Town regarding the issue and was told a Lot Line Adjustment (LLA) would be required to fix  
79 the error. The LLA was done after Mr. Webster passed, by Mrs. Vigars. The LLA made it so  
80 the road is owned by the Loser’s as well as the beach lot.

81 Mr. White stated that the deed should reflect the LLA and it should be reflected on the tax maps.

82

83 Ms. MacKinnon stated that it is not for the ZBA to make decisions on private issues. However,  
84 Mr. White’s comments and concerns have been heard.

85 **Public Comments Closed: 7:53pm**

86 Ms. Shippee-Rice received confirmation that the decision to be made is whether the Board will  
87 or will not approve a VA based on road frontage on White’s Grove Road.

88

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89

	<b>Criteria Summary</b>	<b>Board vote - was the Criteria met?</b>
1.	Granting the variance would not be contrary to the public interest because: _	4-0-0
2.	If the Variance were granted, the spirit of the ordinance would be observed because:	4-0-0
3.	Granting the variance would do substantial justice because:	4-0-0
4.	If the variance is granted, the values of the surrounding properties would not be diminished because:	4-0-0
5.	Unnecessary Hardship <ul style="list-style-type: none"> <li>a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:               <ul style="list-style-type: none"> <li>i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:</li> <li>ii. The proposed use is a reasonable one because:</li> </ul> </li> </ul>	3-0-1

90

91 **Motion Made By:** Mrs. Bascom to approve the request by Peter Loeser and Joy V. Riddell, for  
 92 Case 19-001-VA for relief according to a vote on the five criteria.

93 **Seconded By:** Mr. Bonser

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

95 **Public Hearing Closed:** 7:59pm

96

97 The applicant was advised that there is a 30 day appeal period.

98

99 **Staff/ Board Members Update**

100 There is an Office of Strategic Initiatives training session coming up that members can attend.

101

102 **Minutes**

103 **Motion Made By:** Mrs. Bascom to approve minutes for October 16, 2018, November 20, 2018  
 104 and November 27, 2018 as written and edited

105 **Seconded By:** Mr. Bonser

106 **Vote:** 3-0-1 **Motion Passed**

107

108 **ADJOURNMENT**

109 **Motion Made By:** Mrs. Bascom

110 **Seconded By:** Mr. Bonser

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

112 **Adjourn at:** 8:06 pm

113 For the Nottingham Zoning Board of Adjustment

114 JoAnna Arendarczyk; Land Use Clerk