

# NOTTINGHAM ZONING BOARD OF ADJUSTMENT

March 16, 2021

**Approved:** May 18, 2021

**Members Present:** Bonnie Winona MacKinnon, Chair; Teresa Bascom, Vice-chair; Terry Bonser; Raelene Shippee-Rice; Kevin Bassett, Alternate

**Members Absent:** Peter White

**Others Present:** JoAnna Arendarczyk, Land Use Clerk; Scott Frankiewicz, Surveyor; Scott Cole, Surveyor; Joe Nichols, Surveyor

**Abutters/ Residents Present:** Cynthia Smerdon; Holly Zirkle; Elijah; KPickering; Luke Hurley; Allison Degan; Rebecca Puffen; Richard & Carrie Pascoe

**Call to order:** 7:04pm

**Roll Call:** To account for members present

*In anticipation of the extension of Executive Order 2021-04, the Nottingham Zoning Board will be holding a virtual hearing. Access to the meeting is given through Zoom. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in the meeting.*

**7:07pm Mr. Bassett arrived-** Ms. Shippee-Rice recused herself from the meeting and left the meeting.

Ms. Winona MacKinnon stated that the applicants could decide, up to the time of a vote, whether they want to have their case heard by a full board. If that is decided the case will be continued to a date and time a full board can hear the case.

## **Public Hearings**

**Case 21-003-VA-***Application from Fred Belanger, on behalf of owner James Witham, represented by Scott Frankiewicz, requesting a Variance from Article II Section C.2.b of the Nottingham Zoning Ordinance to permit a new residence on a non-conforming lot with 95' of road frontage where 200' is required. The property is located at 23 Swan Drive in Nottingham, NH and is identified as Tax Map 24 Lot 34.*

Scott Frankiewicz, Surveyor representing the applicant, shared his screen to point out the parcel in the 1965 plan that was approved by the Town of Nottingham and recorded at the Rockingham County Registry of Deeds. It was noted that the survey and the tax card disagree on the acreage for the parcel. The tax card states .45acres where the survey states .33acres. The applicant was advised to contact the assessing office to have this corrected. Mr. Frankiewicz presented the five (5) criteria as written (file).

**Public Comment:** 7:20pm

Rebecca Puffen- 27 Swan Drive (lot 17W & 18W on the 1965 plan)- stated that her concern is the proximity of the proposed septic to the water and the soil integrity.

Both Mr. Bonser and Mr. Frankiewicz stated that the soil in that area is sandy. Mr. Frankiewicz added that the location for the septic as far from the lake as possible and is placed outside Ms. Puffen's well radius. Additionally, the septic plan is not approved until the Shoreland permit is approved.

**Public Hearing Closed:** 7:28pm

**Motion Made by:** Mr. Bassett to approve **Case 21-003-VA-***Application from Fred Belanger, on behalf of owner James Witham, requesting a Variance from Article II Section C.2.b of the Nottingham Zoning Ordinance to permit a new residence on a non-conforming lot with 95' of*

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road frontage where 200' is required. The property is located at 23 Swan Drive in Nottingham, NH and is identified as Tax Map 24 Lot 34.

**Seconded by:** Mr. Bonser

**Roll Call Vote:** 4-0-0 Motion Passed

Winona MacKinnon- Y	Bascom- Y
Bonser- Y	Bassett Y

The Chair advised the applicant of the 30-day appeal window.

**Case Closed:** 7:31 pm

*Case 21-004-VA Application from Joseph Falzone, requesting a Variance from Article 2 Section C.1.b of the zoning ordinance to allow common driveways to not be located on the common boundary line. The property is located on Gile Rd. in Nottingham is identified as Map 40 Lot 1.* Scott Cole from Beals Associates represented the applicant. He presented the history of the case and reminded the Board that they held a site walk on the property when the applicant came to the Board for relief on the impact to the wetlands for the driveways. The driveway locations have not changed. However, the Planning Board deemed it necessary for a Variance to be required for the common driveways as they do not share the common boundaries as required by the Zoning Ordinance.

Mr. Cole read the five (5) criteria as noted in the application (file).

**Public Comment:** 7:39 pm

No Comments

**Public Hearing Closed:** 7:39 pm

**Motion Made by:** Mr. Bonser to approve **Case 21-004-VA** Application from Joseph Falzone, requesting a Variance from Article 2 Section C.1.b of the zoning ordinance to allow common driveways to not be located on the common boundary line. The property is located on Gile Rd. in Nottingham is identified as Map 40 Lot 1.

**Seconded by:** Mr. Bassett

**Roll Call Vote:** 4-0-0 Motion Passed

Winona MacKinnon- Y	Bascom- Y
Bonser- Y	Bassett Y

The Chair advised the applicant of the 30-day appeal window.

**Case Closed:** 7:42pm

*Case 21-005-VA Application from Mark Pitkin and Laurie Ann Trostle- Pitkin for a Variance from Article III Section B.4 of the zoning ordinance to permit an impact to wetlands to install a driveway for a single-family home. The property is located on Gile Rd. in Nottingham is identified as Map 40 Lot 14.*

Joe Nichols of Nichols Environmental, represented the applicant. He stated that the Nottingham Conservation Commission (NCC) and held a Site Walk with them. The Conservation Commission signed off on the wetland application to be sent to DES.

Mr. Bonser noted that the application packet and presentation was very well put together.

**Public Comment:** 7:53 pm

Mr. Falzone stated that the Gile Road residents expressed, when he started to work on his subdivision plan across the street from this lot, that all the residences be set back from Gile Road. Mr. Pitkin's plan does just that. He supports this request.

**Public Hearing Closed:** 7:56pm

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**Motion Made by:** Mr. Bonser to approve the application from Mark Pitkin and Laurie Ann Trostle- Pitkin for a Variance from Article III Section B.4 of the zoning ordinance to permit an impact to wetlands to install a driveway for a single family home. The property is located on Gile Rd. in Nottingham is identified as Map 40 Lot 14.

**Seconded by:** Ms. Winona MacKinnon

**Roll Call Vote:** 4-0-0 **Motion Passed**

Winona MacKinnon- Y	Bascom- Y
Bonser- Y	Bassett- Y

## Minutes

January 19, 2021

**Motion Made By:** Mrs. Bascom to approve the January 19, 2021 minutes as edited

**Seconded By:** Mr. Bonser

**Roll Call Vote:**4-0-0 **Motion Passed**

Winona MacKinnon- Y	Bascom- Y
Bonser- Y	Bassett- Y

## ADJOURNMENT

**Motion Made By:** Mr. Bonser

**Seconded By:** Mrs. Bascom

**Roll Call Vote:**

Winona MacKinnon- Y	Bascom-Y
Bonser- Y	Bassett- Y

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

**Adjourn at:** 8:00pm

For the Nottingham Zoning Board of Adjustment

JoAnna Arendarczyk; Land Use Clerk