

**Nottingham Zoning Board of Adjustment Meeting**  
**Date: Tuesday, September 12, 2023**  
**Official Minutes**

**Members Present:** Teresa Bascom; Chair, Terry Bonser; Vice-Chair, Bonnie Winona MacKinnon; Member, Kathy Mayo; Member, Robert Desrosiers, Alternate

**Members Absent:** Romeo Danaïs; Member, Kevin Bassett; Alternate

**Others Present:** Alana Kenney; Land Use Clerk

**Call To Order:** The meeting was called to order at 7:00 p.m.

Mr. Desrosiers was seated and voting for Mr. Danaïs.

**No Public Hearings – Work Meeting**

Mrs. Bascom explained that this would be a work meeting to review the past five (5) years of Zoning Board cases to see what the most common types of cases were and decide if they should be brought to the Planning Board for changes to the Zoning Ordinances. One item that they already discussed that needs to be clarified is the word “animals” and how many should be allowed in the Aquifer Protection District.

Ms. Kenney stated that the first day to accept petitions to amend Zoning Ordinances is Wednesday, November 1<sup>st</sup>, 2023 and the last day to accept them is Wednesday, December 13<sup>th</sup>.

Ms. Winona MacKinnon offered to help work on the amendment for the “animals” in the Aquifer Protection Zone. Mrs. Bascom offered to work with her with some input from Mr. Bonser. Ms. Kenney reminded the Board that Mr. Haney, the Planner from SRPC, suggested specifically listing the animals with the maximum amount allowed for each type.

Mrs. Bascom stated that setbacks are the most prevalent type of case that the ZBA hears. Mr. Bonser stated that out of about 75 cases in the past 5 years about 40 of them were in the areas around Lake Pawtuckaway. Some of the issues with frontage ended in 2021 when the Town voted on accepting some of the private roads. There were only two denials in the past five years. There were 33 cases related to setbacks; five (5) of those were for septic systems.

Mrs. Bascom read the setbacks for non-conforming lots, which is 20 feet on all sides including accessory buildings. A standard size lot has 50 foot setbacks all around including accessory buildings. Even with the 20 foot setbacks, the ZBA is still seeing many cases requesting much smaller setbacks. She referred to Mr. Sylvia’s (The Building Inspector) comment from the joint meeting with the Planning Board on how it seems like as long as the applicants are willing to go in front of the Zoning Board, they will get approved instead of the Board looking closer and being more critical especially with the hardship criteria. Mrs. Bascom went on to explain that the ZBA needs to decide if the setbacks should be adjusted or if the hardship criteria should be looked at more strictly.

There was discussion amongst the Board on how it seems like residents who live on the lake seem to accept smaller setbacks. Mrs. Bascom stated that she thought even if they reduce the setback, there will always be someone to ask for even more. Mr. Bonser stated that the minimum setback the state will allow is 10 feet. Mrs. Winona MacKinnon stated that each town is different.

Mrs. Bascom requested the Board make a decision because she was going to meet with the Planning Board the next night and wanted something firm to bring to them. Mrs. Winona MacKinnon stated she would consider reducing the setbacks. It was in question whether the setbacks should be reduced for just the non-conforming lots or for all lots. Ms. Mayo wanted to clarify exactly why setbacks exist including not building on a neighbor's property but also things such as snow falling off roofs onto another property line and pushing snow from a plow onto a neighboring property.

Ms. Winona MacKinnon suggested having small setbacks on the sides and back of a property but a larger setback on the front. Mr. Desrosiers said that maybe they should consider compromising and reducing the setback from 20 feet to 15 feet. The Board agreed that the suggested 15 foot setback should be for all lots; not just non-conforming. A lengthy conversation amongst the Board regarding setbacks ensued.

Mr. Bonser pointed out with the current setbacks for conforming lots, out of the two acres required, about an acre and a quarter are just for setbacks; not building.

The Board agreed that they would suggest to the Planning Board to change setbacks to 15 feet for rear and side setbacks for both conforming and non-conforming lots. The front setback for conforming lots should remain at 50 feet. The front setback for non-conforming lots should be 15 feet.

The Board discussed that there have been a few cases regarding ADU's (Accessory Dwelling Units). Mr. Bonser stated that there is a state law that requires the Town to allow ADU's but they can decide on the size and whether or not they need to be attached. Nottingham's current Zoning Ordinance states that they must be attached. Mrs. Bascom stated she would bring those cases regarding ADU's up at the Planning Board meeting as well.

Mrs. Bascom stated that there would be a police officer attending the next public hearing for the Zoning Board due to concerns from one of the last public hearings.

Mr. Desrosiers stated that he had been watching some of the training materials. It was suggested that if possible, to try to attend the in-person trainings as those are usually more helpful. Mrs. Bascom thanked Mr. Desrosiers for joining the Board as an alternate.

#### **Approval Of Minutes:**

*Ms. Mayo made the motion to approve the minutes from Tuesday, August 15<sup>th</sup>, 2023. Ms. Winona MacKinnon seconded the motion. The motion passed by a vote of 5-0-0.*

85 The minutes from July 18<sup>th</sup> were not brought forth for approval because there were only two members  
86 present at this meeting who were at the July 18<sup>th</sup> meeting. These will be on the agenda in October.

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88 *Ms. Mayo made the motion to adjourn. Mr. Bonser seconded the motion. The motion passed by a vote*  
89 *of 5-0-0.*

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91 The meeting was adjourned at 7:15 p.m.

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93 Transcribed per video.

94 Respectfully Submitted,

95 Alana J. Kenney