

Nottingham Zoning Board Meeting

DATE: November 15, 2022

Un Official Minutes

**Call to Order**

**Members Present:** Kathy Mayo; Teresa Bascom, Vice Chair; Terry Bonser, Chair.

**Members Absent:** Romeo Danaïs; Raelene Shippee-Rice, Alternate; Kevin Bassett, Alternate; Bonnie Winona-MacKinnon.

**Alternate Seated and Voting:** None.

**Others:** Owen Friend-Gray, Applicant.

**Call to Order**

The meeting was called to order at 7:00 PM.

**Public Hearings**

**Case #22-008-VA: Application from Owen Friend-Gray, requesting a Variance from Article II Section C.7.b.10 of the Nottingham Zoning Ordinance to permit an existing structure to be considered an Accessory Dwelling Unit (ADU) and allow for a new, detached residential structure of 20' X 30' to be built. The property is located at 162 Raymond Road in Nottingham, NH and is identified as Tax Map 67 Lot 2-1.**

Owen Friend-Gray came forward and introduced himself as the applicant and landowner of 162 Raymond Road. He stated that the waiver request he is asking for is the requirement to have an interior door into the primary dwelling, implying the attached nature of the ADU. He stated that he is asking for this variance due to the hardships he discovered once he starting excavating the area. He reports that his house sits on a knob with a lot of ledge and that he perched it up on a hill when he built it. He advised that both his house and his garage, which are separated by about eight (8) feet, have slab-on-grade foundations. He reported that to the east, north, and west of the primary structure is all high ledge within two to three (2-3) feet of the ground surface. To the south/southeast, the ledge drops off a bit but that is already where the well and the septic system are located for the primary structure. He reports that when he started excavating, he discovered that to the north is the only way he can attach it to the house because of all the restrictions caused by the locations of the well and septic system. He advised that to the north he excavated down and laid out the setbacks, discovering that the setbacks were ever closer than he realized (only about 38-40 feet from the house). He also discovered that, because of all the ledge that was there only being about four (4) feet down, as well as the wetlands located to the north and northeast, he wasn't able to put the new septic system anywhere near where he might be able to just fit it in to this location. He advised that he would actually have to put the septic approximately 60-70 feet away and put several bends in the primary outlet to it. He noted that all of this extra work was really making the project prohibitive and was requiring the design of a septic system that was going to be highly prone to failure. He stated that, because of all these issues and the struggles he is facing, he determined that one of the only places he could locate it was detached a bit to the

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west of the primary structure. He advised that he had been in to discuss this with the Building Inspector, gave him some guidance on the zoning regulations. They determined that Mr. Friend-Gray would need a variance for this project based on the hardships and not changing the characteristics of the property. He noted that his parcel is a back lot subdivision that was approved five or six years ago as part of a subdivision he did between his in-laws' property and his parents' property and that therefore he is not allowed to subdivide further. He noted that he sits on about seven (7) acres and is about 1,200 feet off the road. He noted that the ADU would appear as a small outbuilding to the primary structure but because it's not visible by neighbors or from the road, he does not believe that it changes the neighborhood or the aesthetics or aspects that are associated with those criteria. He spoke on the spirit of the ordinance and advised that the purpose is to expand housing, especially family-style or in-law-style housing. He advised that his father-in-law, who lives over an hour away in New Boston, recently had a health scare that prompted the family to think about the best way to support and assist him as well as other older family members in the future. He noted that, as far as the substantial justice component of the application, the gains do not outweigh the harm to the general public and that the ADU would be allowed to be built because it would not have an effect on the general public or the abutters.

Ms. Bascom asked if this ADU would be occupied. Mr. Friend-Gray replied that they are not sure at this time if it would have immediate occupancy but that they would want it to be ready to be occupied when need be.

Ms. Bascom asked what size they are planning to make it. Mr. Friend-Gray replied that it would be twenty (20) feet by thirty (30) feet, and approximately 600 square feet in total.

Mr. Bonser asked if it would be a one-bedroom or a two-bedroom. Mr. Friend-Gray replied that they are thinking about making it a two-bedroom.

Ms. Bascom asked for clarification regarding the application, which made it sound like Mr. Friend-Gray and his family would be moving into this ADU. Mr. Friend-Gray apologized for the error and noted that he and his family would continue to live in the four-bedroom primary structure.

Mr. Bonser inquired about a line drawn on the plan set. Mr. Friend-Gray advised that the line is to indicate the foundation drain.

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Mr. Bonser asked if Mr. Friend-Gray could include the septic system for the ADU with the existing septic system for the primary structure. Mr. Friend-Grey replied that he could not because it would be undersized. Mr. Bonser asked if he could expand the existing septic system to support both structures. Mr. Friend-Gray advised that there was not enough space to expand the existing septic system with the surrounding ledge.

Ms. Mayo asked if the ADU would have a separate well. Mr. Friend-Gray replied that it would likely be tied in with the existing well.

Ms. Bascom asked where the new septic system would go. Mr. Friend-Gray replied that it would go directly north of the ADU.

Ms. Mayo asked if the new driveway would just come off of the existing driveway. Mr. Friend-Gray confirmed that it would.

Ms. Bascom recommended that Mr. Friend-Gray go to the town offices and initial and date the changed location on the original plan set.

Mr. Bonser advised Mr. Friend-Gray that he is entitled to a five-member Board if he would like to continue this case until the next meeting. Mr. Friend-Gray stated that he is OK with the Board as-is.

Mr. Bonser welcomed discussion amongst the Board.

Mr. Bonser noted that the ADU is supposed to be attached but that Mr. Friend-Gray makes a good argument for it to not be attached in this case.

Ms. Mayo noted that, per regulations, an ADU has to be under 750 square feet and that this project meets that regulation.

***Ms. Bascom made the motion to accept the application for Case #22-008-VA requesting a variance from Article II Section C.7.b.10 of the Nottingham Zoning Ordinance to permit the building of a detached ADU that is a single-level, 20' by 30' structure on the property located at 162 Raymond Road in Nottingham, NH identified as Tax Map 67 Lot 2-1. The motion was seconded by Ms. Mayo. The motion was unanimously approved by a vote of 3-0-0.***

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**Public Comment**

None.

**Approval of Minutes**

*Ms. Bascom made the motion to approve the minutes from 06/21/2022 as written and edited. The motion was seconded by Mr. Bonser. The motion was unanimously approved by a vote of 3-0-0.*

*Ms. Mayo made the motion to approve the minutes from 09/20/2022 as written and edited. The motion was seconded by Ms. Bascom. The motion was unanimously approved by a vote of 3-0-0.*

**Adjourn**

The meeting was adjourned at 7:39 PM.

*Transcribed per video*  
Respectfully submitted,  
Rachel Dallaire