

Nottingham Zoning Board Meeting

2/15/2022

Official Minutes

**Call to Order**

**Members Present:** Chair Terry Bonser, Vice Chair Teresa Bascom, Romeo Danais, Raelene Shippee-Rice, Alternate Kevin Bassett

**Absent:** Bonnie Winona MacKinnon

**Alternate Seated and Voting:** Kevin Bassett was seated for Bonnie Winona MacKinnon

**Others:** Kevin Lemieux, Land Use Clerk; Dave Lauze, Applicant; Jim Generoso, Abutter; Karen Generoso, Abutter; Zackery Cote, Resident

*Mr. Bonser opened the meeting at 7:02 PM.*

Mr. Bonser read the rules and procedures of the Zoning Board meeting.

*Ms. Bascom made the motion to seat Mr. Bassett in place of the absent Ms. Bonnie Winona MacKinnon. The motion was seconded by Mr. Danais. The motion was unanimously approved by a vote of 4-0.*

**Public Hearing:**

*Case #22-001-VA: Application from David Lauze, on behalf of owner Gregory Lauze, requesting a Variance from Article II Section C.3.a of the Nottingham Zoning Ordinance to permit the building of a shed with a 2-foot setback from the property line where a 20-foot setback is required. The property is located at 9 Lookout Point Lane in Nottingham, NH and is identified as Tax Map 71 Lot 52.*

Mr. David Lauze came forward to the applicant desk and gave an overview of his variance request. He is looking to install a shed on his property for storage of land care equipment such as his lawnmower and snowblower. He had met previously with the Town Building Inspector for approval of an 8'x12' shed build. The Building Inspector denied the application as the proposed shed did not meet the 20-foot setback from the property line requirement. The proposed shed is 1.5 feet from the property line. Mr. Lauze said the plan is to match the materials of the shed with the same materials used on the house.

Mr. Danais asked for clarity on the location of the property line as he had visited the site before the meeting. Mr. Lauze said that the location of the stakes on his land is the property line boundary.

Mr. Bonser said that the location proposed for the shed appeared to be a difficult location. He asked the applicant if there was ever consideration to place the shed in the front corner of the lot. Mr. Lauze replied that the septic and leach field are in that area. He presented the map to the Board members and indicated that further limitations to the front corner location are a tree and an upward slope. The design of the septic and leach field as well as the shoreline protection setback give minimal options for the shed installation.

Mr. Bonser asked Mr. Lauze to read the five criteria questions from his application. Mr. Lauze complied and read his five answers. His answers were as follows:

1. The shed would not be in the way or the view of the neighbors.
2. It is a small, non-conforming lot.

## Nottingham Zoning Board Meeting

2/15/2022

### Official Minutes

3. The location is beyond the shore line setback of 50 feet. Being a small lot, there is only so much room to work with.
4. It is a new shed that is being built with the same products and of the same style as the house.
5. There is no space to install a shed without encroaching on a setback requirement. The non-conforming lot is greatly limited by size and setbacks.

Ms. Shippee-Rice inquired about locating the shed on the right side, looking at the lake. Mr. Lauze replied that his neighbor's parking area closely abuts that location, and the shed would be perched up higher due to the grade. Ms. Shippee-Rice asked if it would be similarly perched up if located on the other side. Mr. Lauze replied that it would not be due to the lower grade on the left side, looking at the lake.

Mr. Bassett asked about what considerations were made for drainage from rainwater. Mr. Lauze replied that there is drainage stone in the proposed location. Ms. Bascom added that when the house was built, drainage considerations like rain catches had to be installed. Mr. Lauze concurred and said that drainage stones were installed in front and along the sides of the property. Mr. Bassett recommended adding language that would stipulate that the Building Inspector verifies proper drainage was installed.

Mr. Danaïs inquired about the roof design of the shed. Mr. Lauze answered that it will be a gable roof style. Mr. Danaïs asked if the rainwater from the roof was directed to a cistern or other form of drainage. Mr. Lauze replied that it will direct to the previously approved drainage at front of property.

Mr. Bonser opened the floor for public comment.

The owners of the abutting property, Karen Generoso and Jim Generoso, came forward and introduced themselves. The Generoso's family have owned the abutting property for over 50 years. The area of the Generoso's property that abuts where the shed will be located has a driveway as well as a recreation area. The driveway is a secondary, seldom used driveway. They feel that the shed will be too close to the driveway and will disrupt future family plans.

Ms. Shippee-Rice inquired about the distance between the applicant's house and the abutter property line. Ms. Generoso said it was approximately 10 feet.

Mr. Danaïs asked for clarity on the abutter's objection. Ms. Generoso said that she was concerned with the gravel driveway becoming increasingly deteriorated. Mr. Generoso further added that the overall proximity of the shed is a concern. He said there would be no issue if the shed were in the front or back of the applicant's house. The Generosos left the applicant desk.

Mr. Lauze returned to the applicant desk. Mr. Danaïs asked why the shed was not proposed on the other side of the lot. Mr. Lauze said that access to his heat pump equipment would be limited as well as limiting the access down to the lake. He added that he could adjust the size of the shed from 8 feet to 7 feet. He mentioned a variety of regulations from the state that limited potential shed locations. He added that the front side of the house has the septic system, and the back side of house has shore line setback requirements.

Mr. Danaïs said that it is a very tough lot to build on. Mr. Lauze concurred adding that the hardscape and drainage needs are very difficult, however doable. He explained that he is a builder and has experience with many difficult building lots.

## Nottingham Zoning Board Meeting

2/15/2022

### Official Minutes

77 Mr. Bonser asked if there were any more comments from the applicant or abutters. There was no more  
78 comment. He then moved to close the public hearing portion of the meeting and opened the floor to a  
79 Board discussion.

80 Mr. Danais said that there is no other location to put the shed. Mr. Bonser countered that there is a  
81 location in the front corner of the lot that a shed could be squeezed in.

82 Mr. Bassett said that the abutter's driveway near the proposed shed is not regularly used. He further  
83 reasoned that currently, the home on the applicant's property is clearly visible and adding a shed in the  
84 sightline of the home would be of minimal impact. He also mentioned that the denial for the permit from  
85 the Building Inspector indicated that the shed was 5 feet from the property line, the application asked for  
86 a 2-foot setback variance and the plans submitted by the applicant shows a 1.5-foot setback. Mr. Bassett  
87 suggested that if an approval was granted, the requested setback should be consistent and clear. Mr.  
88 Bonser added that the 5 feet was likely first requested from the initial plan, which was to locate the shed  
89 on the opposing side.

90 Ms. Bascom followed up by asking if the shed was initially planned for the other side of the property.  
91 Mr. Lauze responded that it was, however, drainage and access considerations had altered the original  
92 plans.

93 Ms. Shippee-Rice inquired about using the front right corner area that Mr. Bonser discussed for the  
94 location of the shed. Mr. Lauze replied that the grade was high and steep. He added that the sightline  
95 would become an issue for the entire neighborhood as opposed to the proposed location. He added that  
96 the right side of the property slopes down.

97 Mr. Danais suggested that the Zoning Board members meet at the property and perform a site walk. The  
98 Board discussed how the meeting could be continued and when the site walk could take place.

99 Mr. Lauze offered to pull his application as waiting until April was too long of a wait. Ms. Bascom  
100 responded that due to the proximity of the shed to the neighboring property, she wants to make sure that  
101 she was making the correct decision.

102 Mr. Bassett suggested the Board meet a week from now to continue the case after the members  
103 participated in the site walk. Mr. Bonser said that it was a possibility. Mr. Danais asked if another notice  
104 had to be given to the public. Mr. Lemieux said that a re-notice is not necessary as the case would be a  
105 continuation.

106 Mr. Lauze again said that he would like to pull his application as he has already spent quite a bit of money  
107 on the survey and getting the plans drawn. Mr. Danais urged the applicant to not pull his application and  
108 to allow for the site walk within the next few days and the Board can continue the case until next  
109 Tuesday, February 22, 2022. Mr. Lauze agreed to the offer. The Board and the applicant decided on  
110 Thursday, February 17, 2022 for the site walk at 10:00AM.

111 ***Ms. Bascom made the motion to continue Case #22-001-VA to Tuesday, February 22, 2022, at 7:00PM***  
112 ***with a Zoning Board Site Walk schedule for Thursday, February 17, 2022 at 10:00AM. The motion***  
113 ***was seconded by Mr. Danais. The motion was unanimously approved by a vote of 5-0.***

114 ***Mr. Danais made a motion to approve the meeting minutes from the September 21, 2021, Zoning***  
115 ***Board meeting. The motion was seconded by Ms. Bascom. The motion was approved unanimously by***  
116 ***a vote of 5-0.***

Nottingham Zoning Board Meeting

2/15/2022

Official Minutes

117 *Mr. Danais made a motion to approve the meeting minutes from the October 19, 2021, Zoning Board*  
118 *meeting. The motion was seconded by Ms. Bascom. The motion was approved unanimously by a vote*  
119 *of 5-0.*

120 *Ms. Bascom made a motion to approve the meeting minutes from the November 16, 2021, Zoning*  
121 *Board meeting. The motion was seconded by Mr. Bassett. The motion was approved by a vote of 4-0-1.*  
122 *Mr. Danais abstained from voting as he was not present at the November meeting.*

123 The Board discussed not approving the minutes from the January 18, 2022, meeting as there is concern  
124 the state requirements for holding a meeting were not met on that date. Ms. Bascom said that the  
125 minimum three-member quorum could not be achieved as there was no Chair present to seat an alternate.  
126 Mr. Bonser contended that the meeting could not be opened without the required three-member quorum.

127 Mr. Bonser said that he would like to reconsider the application of Frank Garrison on Berry Road from  
128 the January meeting due to the confusion of the three-member quorum being a legal meeting. Ms.  
129 Bascom said if the meeting was not legal, then it wasn't a re-hearing, it would be an original hearing. She  
130 continued that if the meeting was legal, then the Board should re-hear the case. Mr. Lemieux agreed to  
131 seek advice from legal counsel as to if the meeting was legal.

132 *Mr. Bonser made the motion to reconsider hearing Case #21-014-VA on April 19 2022. The motion*  
133 *was seconded by Mr. Danais. The motion was approved by a vote of 3-1-1.*

134 *Mr. Danais made the motion to adjourn the meeting. The motion was seconded by Ms. Bascom. The*  
135 *motion was approved by a majority vote of 5-0.*

136 *The meeting was adjourned at 8:32 PM.*

137