

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

January 21, 2020

Approved: May 19, 2020

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

Members Absent:

Others Present: JoAnna Arendarczyk, Land Use Clerk; Ty Quinn, Applicant; Phil Trapasso, Contractor; Taylor Quinn, Guest; Marilene Petram; Guest

Call to order: 7:01pm

The Chair read the Public Hearing procedure.

Public Hearings

Continued Case 19-014-VAx5- Application from Leslie & Barbara Thompson (38 Lamprey Drive), Michael Dougherty & Beth Phillips (40 Lamprey Drive), Mark & Michele Lefebvre (18 Indian Run), Matthew & Seonaid Eaton (6 Lamprey Drive), for a Variance request from Article II(C)(1), Article II-C.1a, Article II-C1c, and Article II-C1b of the Nottingham Zoning Ordinance to permit a future Lot Line Adjustments with the Map 70 Lot 25 (Lamprey Drive). Owner of Map 70 Lot 25, Kevin Bassett, seeks a Variance from Article II Section 1a, 1b, 1c of the Nottingham Zoning Ordinance to permit the future Lot Line adjustment with the above-mentioned lots. These properties are located in Nottingham, NH.

Mr. Bassett requested the Board continue the hearing until the Planning Board hearing to be held on a date uncertain.

Motion Made By: Mrs. Bascom to accept the request from Mr. Bassett to continue the hearing to a date uncertain.

Seconded By: Mr. Bonser

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

Public Hearing Opened: 7:37pm

Case 20-001-VAx5- Application from TY Quinn for Variance requests from Article II(C)(2), Article II (C)(1)(a) and Article III(U)(1)(a) of the Nottingham Zoning Ordinance to permit the conversion of a seasonal home to a year round residence and to move a shed within 10 feet of the property line. The property is located at 26 Tuckaway Shores Road in Nottingham, NH and is identified as Tax Map 70 Lot 51.

Ty Quinn and Phil Trapasso represented the case. The house was purchased in 2003 with the intention to make it their year-round home but were unable to afford the renovations until now. Mr. Quinn directed the Board to refer to the plot plan in their packets. He indicated the location of the proposed leech field which will be 4.5ft from the boundary. This new leach field and septic system will be an improvement to the existing waterway. This is the only location possible due to state law requiring 75' from their artisan well. The applicants well can't be moved due to the neighbors well being in the same vicinity.

Mr. Quinn read the responses to the 5 criteria as noted in the application.

A garage and breezeway are being added to the current footprint. A "full gut-renovation" is being proposed.

The applicant stated that if the shed is moved within the required 20ft setback it would be in front of a window whereas the proposed location places it in the tree line therefore, more out of sight and keeping with a more rural appearance.

Public Comment: 7:37pm

For the Nottingham Zoning Board of Adjustment ~ JoAnna Arendarczyk; Land Use Clerk

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No one spoke to the case.

Public Comment Closed: 7:37pm

The proposed new garage isn't part of the denial because it will be within the boundaries. The applicant added that all abutting dwellings are year-round.

Two (2) rain barrels will be installed and gutters on west side of dwelling. The option of a raingarden is being considered instead of the rain barrels. They will do what the state requires.

Motion Made by: Mrs. Bascom to approve the request from Ty Quinn **Case # 20-001-VAx5** to permit the conversion of a seasonal home to a year-round residence and to move a shed within 10 feet of the property line. The property is located at 26 Tuckaway Shores Road in Nottingham, NH and is identified as Tax Map 70 Lot 51.

Seconded By: Mr. White

5 Criteria Vote:

	Criteria Summary	Board vote - was the Criteria met?
1.	Granting the variance would not be contrary to the public interest because:	5-0-0
2.	If the Variance were granted, the spirit of the ordinance would be observed because:	5-0-0
3.	Granting the variance would do substantial justice because:	5-0-0
4.	If the variance is granted, the values of the surrounding properties would not be diminished because:	5-0-0
5.	Unnecessary Hardship <ol style="list-style-type: none">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:<ol style="list-style-type: none">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:The proposed use is a reasonable one because:Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.	A & B 5-0-0

Applicant was warned of the 45 day appeal period.

Staff/ Board Members Update

The Land Use Clerk informed the Board of upcoming cases.

Mrs. Bascom informed the Board that she is not running for Planning Board again.

Minutes

- October 15, 2019
- November 19, 2019
- December 17, 2019

Regarding the October 15th meeting minutes Mr. White suggested editing the last sentence to be better reflect what he feels he stated.

For the Nottingham Zoning Board of Adjustment ~ JoAnna Arendarczyk; Land Use Clerk

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Motion Made by: Mr. White to edit the last sentence to state: “he stated that in his opinion the Board approves many of the cases that hurt the public interest.”

Seconded By: no one

Mr. White requested he be quoted verbatim: “Peter feels that the Board is making some decisions that are not in the public interest.”

Motion Made by: Mrs. Bascom to approve the min for October 15th 2019 as written and amended.

Seconded By: Mr. Bonser

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

(Votes are of member who were present at the October meeting.)

November 19, 2019

Motion Made by: Mrs. Bascom to approve the min for November 19th 2019 as written and amended.

Seconded By: Mr. Bonser

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

(Votes are of member who were present at the November meeting.)

December 17, 2019

Motion Made by: Ms. Shippee Rice to approve the min for December 17th 2019 as written and amended.

Seconded By: Mr. Bassett

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

(Votes are of member who were present at the December meeting.)

ADJOURNMENT

Motion Made By: Mrs. Bascom to adjourn

Seconded By: Mr. Bonser

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

Adjourn at: 8:02 pm