

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

February 18, 2020

Approved: April 21, 2020

Members Present: Teresa Bascom, Vice-chair; Terry Bonser; Peter White; Raelene Shippee-Rice; Kevin Bassett, Alternate

Members Absent: Bonnie Winona-MacKinnon, Chair;

Others Present: JoAnna Arendarczyk, Land Use Clerk; Rick Morrissey, Abutter; Maureen Morrissey, Abutter; Roscoe Blaisdell, Surveyor; Herb Bernard, Abutter; Diane Bernard, Abutter; Thomas Kingston, Applicant; Brooke Schaefer, Applicant

Call to order: 7:01pm

Teresa Bascom- Acting Chair read the Public Hearing procedure

Alternate Seated and Voting: Kevin Bassett for Bonnie Winona-MacKinnon

Case opened: 7:04pm

Public Hearings

- **Case 20-002-VA-** Application from Brooke Schaefer for Variance requests from Article II (C)(1)(a) of the Nottingham Zoning Ordinance to permit the construction of a home on a lot with 107 feet of frontage on a private road, where 200 feet of frontage on a Class V road. The property is located on Lamprey Drive in Nottingham, NH and is identified as Tax Map 70 Lot 22.

Mr. Bassett is a resident on Lamprey Road and requested to recuse himself and agreed to sit in the audience.

Mr. Blaisdell represented the applicant Ms. Schaefer. He stated that the parcel meets all state requirements. Applicant, Brook Schaefer, arrived at 7:06pm and noted an error in the spelling of her name in the Public Hearing Notice the “c” was missing though noted accurately in the application. Mr. Blaisdell read the criteria responses to the Board for the record (file).

Mrs. Bascom reminded the Board that road frontage is the issue before them.

Mr. White asked for clarification as to which lot is the lot in question on the plan that was provided with the abutting lots. Once he got that clarification, he added that the applicant must have purchased the lot with the understanding that it could be a house lot. Other people purchase lots such as this and thus have the same hardship.

Mr. Blaisdell stated that it is an old lot, therefore the 107 feet of frontage was pre-existing and delineated prior to zoning.

Abutter, Herb Bernard, stated that back then the lots all had 107ft. He wanted to be sure that someone was aware that the tax map notes the frontage as 207ft of frontage which is inaccurate. The Land Use Clerk stated that she noted the error when posting the public hearing notice and she informed the assessing department of the issue.

Public Hearing Closed: 7:21pm

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

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Motion Made By: Mr. Bonser to approve the request from Brooke Shcafer for Variance requests from Article II (C)(1)(a) of the Nottingham Zoning Ordinance to permit the construction of a home on a lot with 107 feet of frontage on a private road, where 200 feet of frontage on a Class V road. The property is located on Lamprey Drive in Nottingham, NH and is identified as Tax Map 70 Lot 22 also shown on the plan (file) as lot 13.

Seconded By: Ms. Shippee-Rice

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

Applicant was informed of the 45- day appeal period.

Case Closed: 7:23pm

Mr. Bassett was re-seated for the remainder of the meeting

Case Opened: 7:24pm

The applicant and the surveyor Mr. Blaisdell agreed to allow Mr. White to stay as a voting member for the case though he is a resident on White's Grove Road.

- **Case 20-003-VA-** Application from Thomas and Andrea Kingston for Variance requests from Article II (C)(1)(a) of the Nottingham Zoning Ordinance to permit the construction of a home on a lot with frontage on a private road, where 200 feet of frontage on a Class V road. The property is located on White's Grove Road in Nottingham, NH and is identified as Tax Map 63 Lot 48.

Mr. Blaisdell represented his client for the case and read the case criteria into the record (file).

Board comment regarding the previous case the five criteria were accidentally omitted in the vote- they all agreed that if it were polled all five criteria would have met.

4-0-0 Motion Passed.

A new well will be added (noted on the plan). The new residence (year-round) will be a 2600sf, 3 bedroom residence. The current camp is 2300sf, 3 bedroom camp. It was noted that the tax card does not reflect the porch having been renovated to be a bedroom.

Public comment: 7:34 – No one commented on the case.

Motion Made By: Ms. Shippee-Rice to approve application from Thomas and Andrea Kingston for Variance requests from Article II (C)(1)(a) of the Nottingham Zoning Ordinance to permit the construction of a home on a lot with frontage on a private road, where 200 feet of frontage on a Class V road. The property is located on White's Grove Road in Nottingham, NH and is identified as Tax Map 63 Lot 48.

Seconded By: Mr. Bonser

	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

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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.	<p>Unnecessary Hardship</p> <p>a. 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:</p> <p>i. 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:</p> <p>ii. The proposed use is a reasonable one because:</p> <p>b. 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.</p>	<p>A- 5-0-0</p> <p>B- Not needed as A is met</p>

Vote: 5-0-0 Motion Passed

Applicant was informed of the 45- day appeal period.

Public Hearing Closed: 7:38pm

Case opened: 7:39pm

- **Case 20-004-VA-** Application from John Morin for Variance request from Article II (C)(3)(a) of the Nottingham Zoning Ordinance to permit the placement of a new septic system 10 feet from the rear property line whereas 20 feet is required. The property is located at 23 Cove Road in Nottingham, NH and is identified as Tax Map 68 Lot 78.

John Morin presented his own case. When he purchased 23 Cove Road in 2004 the previous owner needed to replace the septic. Unfortunately the septic was installed half on the neighbor's property. The new plan shows the best and only placement for the replacement septic which is 10' from property line. The oak tree noted on the plan is no longer there (neighbor cut it down to increase the sunlight for the solar panels).

When looking at options to avoid the Variance a Lot Line Adjustment was considered.

However, it would render the neighbors land as more non-conforming. Moving the lot line in the other direction isn't acceptable either as it is conservation land.

Mr. Morin read the 5 criteria (file) adding that he is fixing a problem that was created by the previous owner.

Public Comment: 7:48pm

Rick Morrissey, abutter and owner of the land the septic is partially on, stated that there has been injury on both sides because of this. He asked if Mr. Morin had a survey of his property. Mr. Morin stated that Mr. Landry (surveyor) did one for the septic plan. Mr. Morin put the concern to rest by showing the survey to Mr. Morrissey. Mr. Morrissey wanted assurance that it would be placed as shown on plan. The Board noted that the Building Inspector does inspections and will verify its accurate placement.

Mr. Morrissey stated that he agreed to take care of the removal of old system.

Public Comment Closed: 7:57pm

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

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Motion Made By: Mr. Bonser to approve the application from John Morin for Variance request from Article II (C)(3)(a) of the Nottingham Zoning Ordinance to permit the placement of a new septic system 10 feet from the rear AND SIDE property line whereas 20 feet is required. The property is located at 23 Cove Road in Nottingham, NH and is identified as Tax Map 68 Lot 78.
Seconded By: Ms. Shippee-Rice

	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 b. 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: i. 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: ii. The proposed use is a reasonable one because: b. 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- 5-0-0 B- Not needed as A is met

Vote: 5-0-0 Motion Passed

Applicant was informed of the 45- day appeal period.

Public Hearing Closed: 8:00pm

Staff/ Board Members Update

Peter White: Requested the Land Use Clerk include a plot plan in the packets. It assures understanding of the parcels in question and its surrounding properties.

He also expressed concern regarding the extensive build up of lake properties that were intended to be for camps and are quickly becoming year-round. He was advised to send written comment for the Planner and Planning Board to consider changes for the Zoning Ordinance regarding pre-existing lots.

ADJOURNMENT

Motion Made By: Ms. Shippee-Rice

Seconded By: Mr. Bonser

Vote: 5-0-0 Motion Passed

Adjourn at: 8:13pm

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