

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

April 21, 2020

Approved: May 19, 2020

Members Present: Bonnie Winona-MacKinnon, Chair; Teresa Bascom, Vice-chair; Terry Bonser;; Raelene Shippee-Rice; Kevin Bassett, Alternate AND Applicant

Members Absent: Peter White

Others Present: JoAnna Arendarczyk, Land Use Clerk; Neil Collins, Applicant; Mary Beeman, Abutter (34 Lamprey Drive); Herb Calvitto, Abutter (2 Tuckaway Shores Rd); Susan Paradis, Town Resident

Call to order: 7:04pm

- **Emergency Order #23**

Chair explained that due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #23 pursuant to Executive Order 2020-04.

- **Method of voting agreed to by the Board:**

As all members are visible during this Zoom meeting the Board agreed to Vote by raising their Right hand on screen which was visible by all who were in attendance.

- **Alternate Seated and Voting:** Kevin Bassett for Peter White for all business except for Case 20-007-VA, Mr. Bassett is the applicant for this case.

Public Meeting

- Introduction of members
- Election of Officers:

Chair

Motion Made by: Ms. Shippee-Rice to re-elect Ms. Winona MacKinnon as Chair.

Seconded by: Mrs. Bascom

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

Vice-Chair

Motion Made by: Mr. Bonser to re-elect Mrs. Bascom as Vice-Chair.

Seconded by: Ms. Winona MacKinnon

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

The Board agreed and understood that they would be reviewing the By-Laws and Rules of Procedure at the May 19, 2020 ZBA meeting. They requested the document be e-mailed to them for review and agreed to send edits to the Land Use Clerk to allow her to compile them and send out the suggestions for review by the Board to be further discussed at the meeting.

Public Hearings

- **Consider Continuation Request for:**

- **Case 20-005-VA**

Application from Langdon Construction, LLC for a Variance request from Article III Section 5.a of the Nottingham Zoning Ordinance to allow the frontage subdivision application to proceed with the Nottingham Planning Board without a Hydrogeologic study where the ordinance stated one shall be required. The property is located at 209 Mill Pond Rd. and Kelsey Road in Nottingham, NH and is identified as Tax Map 24 Lot 141 Sublot 2.

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

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Motion Made by: Mrs. Bascom to accept the request from Christian O. Smith to continue Case #20-005-VA from tonight April 21, 2020 to May 19, 2020 as requested.

Seconded by: Mr. Bonser

Discussion: Ms. Shippee-Rice clarified that the applicant is waiting to be able to meet in person as noted in the request letter.

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

○ **Consider Approval for the Following Applications:**

- **Case 20-006-VA-** *Application from Anniello and Karen Collins for Variance requests from Article II (c)2 of the Nottingham Zoning Ordinance to permit the construction of a garage 10 feet from the rear property line whereas 20 feet is required. The property is located at 3 Tuckaway Shores Road in Nottingham, NH and is identified as Tax Map 70 Lot 28.*

Mr. Anniello (Niel) Collins represented his case.

The Board noted a few things that needed clarification:

- The Deed lists a Judith Collins along with Anniello Collins as owners, but the application lists a Karen Collins, as does the Tax card.
 - Mr. Collins explained that Judith died some time ago and hasn't been removed from the Deed, he is sole owner of the property.
 - Mr. Collins agreed to send a scanned copy of the death certificate for proof of sole ownership
- The application and denial note the rear boundary encroachment, but the plan also show encroachment on the side
 - Mr. Collins agreed that the side should have been included
- Mr. Collins noted that no blasting will be required due to the use of monolithic flooring (floating floor)
 - True blasting won't be necessary; however, the area will still be disturbed to prep the area.

Mr. Anniello presented the Five (5) Criteria as noted in his application.

Mr. Anniello was asked what he does currently without a garage. He replied that the garage will be used for an antique car not for everyday use.

Public Hearing Opened: 7:37pm

No one spoke to the case

Public Hearing Closed: 7:38pm

Mr. Calvitto sent a typed comment, that came through after the Public Hearing was closed, stating: "We are all for it"

Motion Made by: Mrs. Bascom to approve the request from Case #20-006-VA to permit the construction of a garage 10 feet from the rear & 10 feet from a sideline where 20 feet is required. With a condition to provide a scanned copy of Judith Collins death certificate.

Seconded by: Mr. Bonser

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

Motion Made by: Ms. Winona MacKinnon that the Five (5) Criteria are approved as presented

Seconded by: Mrs. Bascom

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

Case Opened at: 7:45pm

Mr. Bassett was unseated to present his case.

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

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- **Case 20-007-VA-** *Application from Kevin Bassett for Variance requests from Article II (c)(2)(b) of the Nottingham Zoning Ordinance to permit the construction of a barn and attached carport where such a structure is not permitted without a primary structure AND from Article II (c)(1) to permit the structure on a private road. The property is located at Off Dolloff Dam Road in Nottingham, NH and is identified as Tax Map 70 Lot 25.*

Mr. Bassett informed the Board that after further investigation in the area for the proposed project there may be a need to build a detached garage due to large boulders. He stated that the Barn is for a boat and tractor and the garage/carport is for his camper. Currently he has started clearing the land of the trees that would need to be removed for the project.

Mrs. Bascom asked if the Variance would hinder the progress of his Lot Line Adjustment (LLA) that is going before the Planning Board next month. Mr. Bassett stated that it would not. The proposed location for the barn and garage is far away from the proposed LLA.

The denial letter notes that the denial is based on the proposed 2020 Zoning changes. The Board discussed whether those changes are in effect with Town Meeting still open due to the Covid19 pandemic. It was clarified that the changes are in effect because they remain "active" until Town Meeting closes. Furthermore, the changes passed by the votes on the ballot so they will be in effect after Town Meeting closes.

Mr. Bassett read the Five (5) Criteria as noted in his application.

Ms. Shippee-Rice commented that it does not make sense to require a Variance as Mr. Bassett owns both properties and one has a house on it. The Board discussed that the property that he plans build the barn and garage does not have a dwelling on it therefore the Variance is required. Mr. Bassett noted for the record that the property may, someday, be subdivided into three parcels as he plans to give it to his children when he passes.

Public Comment: Sue Paradis joined but stated that she had no comment

Public Hearing Closed: 8:17pm

Motion Made by: Mrs. Bascom to approve the request as written

Seconded by: Mr. Bonser

Discussion: Amend motion to include the probability of a detached garage

Amended Motion Made by: Mrs. Bascom to amend the motion to include allowing an attached or detached garage.

Seconded by: Mr. Bonser

Vote: 3-0-1 (Ms. Shippee- Rice abstained) Motion includes a vote on the Five (5) Criteria

Mr. Bassett was reminded of the 45 days appeal period.

Staff/ Board Members Update

None

Minutes

February 18, 2020

Motion Made by: Mrs. Bascom to approve the February 18, 2020 minutes as written.

Seconded by: Mr. Bonser

Vote: 4-0-1 (Ms. Winona- MacKinnon was not present for that meeting)

ADJOURNMENT

Motion Made By: Ms. Winona-MacKinnon

Seconded By: Mrs. Bascom

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

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139 **Vote: 5-0-0 Motion Passed**
140 **Adjourn at: 8:27pm**